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PART I

September 24, 1973—Pages 26595–26668

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

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CHAPTER I—CIVIL SERVICE COMMISSION

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Effective Dates

In the FEDERAL REGISTER of July 11, 1973, FR Doc. 73-14107, beginning on page 18445, amendments were made to Parts 335, 430, 451, 630, and 715 without stating an effective date. The effective dates for these changes are as follows:

"Amendments to Parts 430, 451, 630, and 715 are effective upon implementation by an agency or January 19, 1974, whichever comes first. Part 335 is effective upon implementation by an agency or 6 months after issuance of revised FPM Chapter 335, whichever comes first."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-20211 Filed 9-21-73;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 449, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 14-20, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 449 (38 FR 25431). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 908.749 (Valencia Orange Regulation 449 (38 FR 25431)) are hereby amended to read as follows:

"(ii) District 2: 625,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated September 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73-20276 Filed 9-21-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-822]

PART 240—INSPECTION OF ACCOUNTS AND PROPERTY

Amendment of Part Due to Reorganization of Board Components

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. A recent reorganization within the Board has resulted in the transfer of the Board's audit functions from the Bureau of Accounts and Statistics to the Bureau of Enforcement. In order to reflect this reorganization, we are deleting the reference to "the Field Audits Division, Bureau of Accounts and Statistics" which is contained in § 240.1(b) of our Economic Regulations (14 CFR Part 240).

Since the amendment provided for herein is of a technical nature, relating to a rule of agency organization, the Board finds that notice and public procedure hereon are not necessary, and that the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends section 240.1 of Part 240 of its Economic Regulations (14 CFR Part 240) effective September 18, 1973, as follows:

Amend § 240.1 by revising paragraph (b), the revised section to read in part as follows:

§ 240.1 Interpretation.

* * * * *

(b) The term "special agent" and "auditor" are construed to mean any employee of the Bureau of Enforcement and any other employee of the Board specifically designated by it or by the Director, Office of Facilities and Operations.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 (49 U.S.C. 1324).)

By the Civil Aeronautics Board.

Effective: September 18, 1973.
Adopted: September 18, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-20280 Filed 9-21-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2435]

PART 13—PROHIBITED TRADE PRACTICES

Mo-Mod Sales Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Statutory requirements;* 13.73–92 Truth in Lending Act: § 13.155 *Prices;* 13.155–95 Terms and conditions; § 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting—Goods: § 13.1623 *Statutory requirements;* 13.1623–95 Truth in Lending Act. Subpart—Misrepresenting—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting—to make material disclosure: § 13.1852 *Statutory requirements;* 13.1852–75 Truth in Lending Act: § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147 (15 U.S.C. 45, 1601–1605)) [Cease and desist order, Mo-Mod Sales Co. d/b/a Sipe's Mobile Homes, et al., Docket C-2435, August 31, 1973.]

In the Matter of Mo-Mod Sales, Co., a corporation doing business as Sipe's Mobile Homes, and Harvey C. Herrick, and John L. Sipe, individually and as officers of said corporation.

Consent order requiring a Sedalia, Missouri, mobile home dealer, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Mo-Mod Sales Co., a corporation, and its officers, and Harvey C. Herrick and John L. Sipe, individually and as officers of said corporation, trading under said corporate name or under any trade name or names, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the arrangement, extension, or advertisement of consumer credit in connection with the sale of mobile homes or other products or services, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing, directly or by implication, in any advertisement, as "advertisement" is defined in Regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

3. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation, and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file, individually, with the Commission, a report in writing, setting forth in detail the manner and form in which each of them has complied with this order.

Issued August 31, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-20208 Filed 9-21-73;8:45 am]

[Docket C-2434]

PART 13—PROHIBITED TRADE PRACTICES

Modern Mobile Homes, Inc., et al.

Subpart—Advertising falsely and misleadingly: § 13.73 *Statutory requirements;* 13.73–92 Truth in Lending Act: § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending. Subpart—Misrepresenting—Goods: § 13.1623 *Statutory requirements;* 13.1623–95 Truth in Lending Act. Subpart—Misrepresenting—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting—to make material disclosure: § 13.1852 *Statutory requirements;* 13.1852–75 Truth in Lending Act: § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147 (15 U.S.C. 45, 1601–1605)) [Cease and desist order, Modern Mobile Homes, Inc., et al., Docket C-2434, August 30, 1973.]

In the Matter of Modern Mobile Homes, Inc., a corporation, and Alfred V. Paussa and Richard D. Miller, individually and as officers of said corporation.

Consent order requiring a Kansas City, Missouri, mobile home dealer, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Modern Mobile Homes, Inc., a corporation, and its officers, and Alfred V. Paussa and Richard D. Miller, individually and as officers of said corporation, trading under said corporate name or under any trade name or names, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the arrangement, extension, or advertisement of consumer credit in connection with the sale of mobile homes or other products or services, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing, directly or by implication, in any advertisement, as "advertisement" is defined in Regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

3. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation, and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file, individually, with the Commission, a report in writing, setting forth in detail the manner and form in which each of them has complied with this order.

Issued August 30, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-20209 Filed 9-21-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-3: Order 491]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Policy Regarding Establishment of Measures To Be Taken for Protection of Reliable and Adequate Service for 1973–1974 Winter Heating Season

SEPTEMBER 14, 1973.

Effective upon the date of issuance of this order, the Commission issues herein a new policy statement, amends §§ 2.68 and 2.70 of its General Policy and Interpretations and §§ 157.22 and 157.29 of its regulations under the Natural Gas Act.

Our authority to promulgate this policy statement and amend prior policy statements and regulations is contained in the Natural Gas Act, particularly sections 7 and 16 therein, and the Administrative Procedure Act. No notice of these actions is required under the Administrative Procedure Act, nor do we find that notice and public procedure would either be practicable, necessary, or serve the public interest.[1] We have used such summary procedures in order that we may promulgate policies to assist some 43 million gas consumers to obtain adequate, safe and reliable service for the 1973–1974 winter heating season.[2] However, we will re-examine our actions herein, on or before March 15, 1973, the latter being the termination date unless otherwise ordered.[3]

In Commission Order Nos. 402 and 402-A,[4] the Commission promulgated a policy statement (§ 2.68 of our General Policy and Interpretations), which encouraged persons and companies exempt under sections 1(b) and 1(c) of the Act (distribution companies and intrastate pipelines) to make short-term sales or deliveries of natural gas in interstate commerce so as to make available temporary emergency gas supplies, without our approval, for up to 60 days.

Under Order No. 418,[5] we amended §§ 157.22 and 157.29 of our regulations under the Natural Gas Act, to provide for emergency sales by producers to interstate pipelines and for emergency operations (e.g. exchanges) between pipelines for up to 60 days, which transactions were exempted from prior Commission certificate authorization under section 7 of the Act.

In conjunction with Order Nos. 402 and 418, the Commission issued Order No. 431,[6] promulgating § 2.70 of our General Policy and Interpretations, indicating that "[n]otwithstanding these emergency measures (Order Nos. 402 and 418), a number of natural gas pipelines indicated their inability to deliver sufficient gas to meet their firm demands." By that order we continued the prior emergency measures, i.e. up to 60 days, but provided that we would consider limited-term certificates for purchases extending beyond that 60-day period, with pregranted abandonment, if the pipeline demonstrates emergency need and has (1) made every reasonable effort to fill all storage fields and (2) filed curtailment plans.[7] § 2.70(b) (3)

Promulgation of the above-emergency measures has resulted in commitments of natural gas to interstate consumers of 1.2 trillion cubic feet, through purchases ranging for 60 days to three years, from 1971 through May of 1973.

In Order No. 418, we noted that:

> Several parties suggested that the proposed 60-day period of emergency operation be extended to periods ranging from three to six months. * * * We shall * * * defer disposition of this issue until such time as we may propose additional rules applicable to emergency transactions on a more extended basis. 44 FPC at 1575.

We now dispose of that reserved issue, at least on an interim basis.

On July 16, 1973, the Commission's staff released its most recent report on past curtailments and projected curtailments for the 1973–1974 winter heating season.[8] That report indicated (after eliminating intercompany transactions) that net curtailments of firm requirements customers of the major interstate pipelines represented about .8 trillion cubic feet from April 1972 to March 1973, and was reported to increase to about 1.2 trillion cubic feet during the April 1973–March 1974 period. Such curtailments for the 1973–1974 winter heating season are estimated to be .5 trillion cubic feet of natural gas; the equivalent of about 85 million barrels of oil. The report further indicated acute regional curtailments, both this summer and for the current winter-heating season, in the New England, Appalachian, Great Lakes and Northern Plains regions. Such curtailments will result, as they did last year, in severe economic and environmental consequences, resulting in the closing of schools and factories, the denial of utility service to new customers, the utilization by industry and electric utilities of alternate fuels which impact upon ambient air quality standards, and the transfer of unfulfilled demand to other fuels in short supply with the resultant upward price pressures. At least for the 1973–1974 winter-heating season, reliable and adequate gas service is even more jeopardized than at the juncture when we initiated emergency measures, *supra,* over three and one-half years ago.

We further take notice of the overall domestic fuel situation for this 1973–1974 winter heating season. The unfulfilled demand for natural gas cannot be readily transferred to other fuels. Propane and fuel oils are in limited supply and neither can fulfill the projected firm requirements for customers of interstate pipelines.

In order that this Commission can discharge its responsibilities to the Nation's

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[1] 5 U.S.C. 553(b) (3) (A) and (B). Cf. "Memphis Light, Gas and Water Division v. F.P.C.", 462 F. 2d 853 (D.C. Cir. 1972) reversed on other grounds, 411 U.S. 458 (1973).

[2] Cf. "F.P.C. v. Louisiana Power & Light Co.", 406 U.S. 621 (1972); "Alabama Gas Corp. v. F.P.C.", 5th Cir., No. 72-1415, February 7, 1973; "P.S.C. of N.Y. v. F.P.C.", 467 F.2d 361 (D.C. Cir. 1972). See also "Gulf States Utilities Co. v. F.P.C.", S.Ct. No. 71-1178, May 14, 1973, slip op. at 14-15; "Mobile Oil Corp. v. F.P.C.", 469 F.2d 130 (D.C. Cir. 1972), cert. denied, S.Ct. No. 72-1108, June 4, 1973.

[3] See P.S.C. of N.Y., *supra,* rehearing order of May 19, 1972.

[4] 43 FPC 707 (1970), 43 FPC 822 (1970).

[5] 44 FPC 1574 (1970).

[6] 45 FPC 570 (1971).

[7] Such filings for limited-term certificates were made pursuant to Paragraph 12 in Docket No. R-389-A, July 17, 1970. 35 F.R. 11638.

[8] We take official notice of FPC News Release No. 19441, July 16, 1973, publishing that report.

gas consumers and carry out our Congressionally-delegated mandate, we are effective this day amending §§ 2.68 and 2.70 of our General Policy and Interpretations and §§ 157.22 and 157.29 of our regulations under the Natural Gas Act, to change the 60-day emergency measures provided therein, so as to change the term to a maximum of 180 days under which no Commission authorization is required in advance.[9] Concurrently, we are providing that § 2.70(b)(3), which provides for the filing of limited-term certificates under Paragraph 12, supra, is hereby stayed, pending further review and order of the Commission. All such limited-term certificate applications, which have been filed with the Secretary as of the date of issuance of this order, will be processed, as in the past, and any applications submitted after the date of this order, shall be returned, without prejudice to the applicant. Applicants are free to file notices of withdrawal of limited-term certificates previously filed, pursuant to § 1.11(d) of our rules and regulations.

On or before March 15, 1974, the Commission will have reviewed the emergency measures provided herein. Transactions entered into prior to March 15, 1974, may continue for a period up to 180 days, i.e. an emergency measure initiated on February 1, 1974, may continue until July 31, 1974. Those 60-day emergency transactions which have commenced as of the date of issuance of this order may continue, depending upon the agreement between the parties, for 180 days beginning at the time of termination of the 60-day transaction. In addition to the existing reporting requirements, we will require that the pipeline purchaser report to the Secretary within ten (10) days after deliveries commence under the 180-day procedure, the estimated volumes and rate charged for the emergency sale.

We will review these measures to determine their impact during the 1973–1974 winter-heating season and to determine what emergency measures may be required during the 1974 summer storage injection period and the 1974–1975 winter-heating season.

The Commission finds

(1) The revisions to the policy statements and regulations herein do not require notice or hearing under 5 U.S.C. 553.

(2) Many interstate natural gas pipelines have been unable to obtain and are expected to have problems in obtaining, short-term emergency, gas supplies to meet their firm requirements during the 1973–1974 winter-heating season, in the absence of the revised emergency measures herein promulgated.

[9] Section 7(c) of the Act provides, in part, that we "may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required." 15 U.S.C. 717 f(c). See Section 2.67a of the General Policy and Interpretations, concerning the finding of insufficient gas supplies and rate treatment of the investment tax credit. Order No. 448, 47 FPC 141 (1972).

The Commission orders that effective upon issuance

(A) Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 2.68 (a) and (b)—The 60-day periods found therein are changed to 180 days.

In § 2.70(b)(3)—The 60-day periods found therein are changed to 180 days.

The following provision is stayed pending further order of the Commission:

If the emergency purchases are to extend beyond the 60-day period Paragraph 12 in the notice issued by the Commission on July 17, 1970, in Docket No. R–389–A should be utilized. The Commission will consider limited-term certificates with pregranted abandonment, if the pipeline demonstrates emergency need, after complying with subparagraphs (1) and (2) of this paragraph.

(B) Section 157.22, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 157.22(a)—The sixty-day period is changed to 180 days.

In § 157.22(d)—The 60-day period is changed to 180 days.

(C) Section 159.29, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 157.29(a)—The sixty (60) day period is changed to 180 days.

In § 157.29(b)—The 60-day period is changed to 180 days.

(D) The revisions and amendments in (A), (B), and (C) are effective upon issuance and until March 15, 1974.

(E) The Commission provides that any interested person may file comments on the revisions effective herein, such filings to be made in written form with the Secretary of the Commission and to be filed during the period January 15, 1974 to February 15, 1974, for consideration by the Commission prior to its March 15, 1974 review.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20264 Filed 9-21-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–133]

PART 101–25—GENERAL

Desks With Locks

Prior approval of the validity of the requirement for desks with locks is no longer required. Therefore, use standards for desks with locks and guidelines for determining justification for their purchase are rescinded.

The table of contents for Part 101–25 is amended by deleting and reserving § 101–25.302–6, as follows:

Subpart 101–25.3—Use Standards

§ 101–25.302–6 [Reserved]

Section 101–25.302 is amended by deleting 101–25.302–6 as follows:

§ 101–25.302–6 [Reserved]

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

Effective date.—This regulation is effective September 24, 1973.

Dated September 18, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-20220 Filed 9-21-73;8:45 am]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105–64—ADVISORY COMMITTEE MANAGEMENT

Policies and Procedures Relating to GSA-Sponsored Advisory Committees

This regulation prescribes policies and procedures in GSA regarding the establishment, operation, termination, and control of advisory committees for which GSA has responsibility.

Chapter 105 is amended by the addition of new Part 105–64 as follows:

Sec.

AUTHORITY.—Pub. L. 92–463 dated October 6, 1972, and Executive Order 11686 of October 7, 1972.

§ 105–64.00 Scope of part.

This part sets forth policies and procedures in GSA regarding the establishment, operation, termination, and control of advisory committees for which GSA has responsibility. It implements the Federal Advisory Committee Act (Pub. L. 92–463), which authorizes a system governing the establishment and operation of advisory committees in the executive branch of the Federal Government, and Executive Order 11686 of October 7, 1972, which directs the heads of all executive departments and agencies to take appropriate action to ensure their ability to comply with the provisions of the Act.

Subpart 105–64.1—General Provisions

§ 105–64.101 Applicability.

This Part 105–64 applies to all advisory committees for which GSA has responsibility. In general, such committees are characterized by fixed membership, a defined purpose of providing advice regarding matters of concern to GSA operations, a formal structure (e.g., officers), and regular or periodic meetings. This part also applies to any committee used to advise GSA officials though not established for that purpose. Such applicability, however, is limited solely to the period of its use as an advisory body. This part does not apply to:

(a) Any local civic group whose primary function is to render a public service in connection with a Federal program;

(b) Any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies; or

(c) The National Historical Publications Commission or the National Archives Trust Fund Board but does apply to committees that are advisory to them.

§ 195–64.102 Definitions.

(a) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee thereof that is:

(1) Established by statute or reorganization plan;

(2) Established or utilized by the President; or

(3) Established or utilized by one or more agencies to obtain advice or recommendation for the President or for one or more agencies or officers of the Federal Government. The term "advisory committee" excludes the Advisory Commission on Intergovernmental Relations, the Commission on Government Procurement, and any committee which is composed wholly of full-time officers of the Federal Government.

(b) The term "Presidential advisory committee" means an advisory committee that advises the President.

§ 105–64.103 Policy.

The basic GSA policy on committee management is as follows:

(a) Advisory committees will be formed or used by GSA only when specifically authorized by law or by the President, or specifically determined as a matter of formal record by the Administrator of General Services to be in the public interest in connection with the performance of duties imposed on GSA by law;

(b) Advisory committees will not be used to administer a function which is the assigned responsibility of a service or staff office;

(c) The assigned responsibility of a GSA official may not be delegated to any committee;

(d) No advisory committee may be used for functions that are not solely advisory unless specifically authorized by statute or Presidential directive. Making policy decisions and determining action to be taken with respect to any matter considered by an advisory committee is solely the responsibility of GSA; and

(e) In carrying out its responsibilities, GSA will consult with and obtain the advice of interested groups substantially affected by its programs. The use of advisory committees for this purpose is considered to be in the public interest and necessary for the proper performance by GSA of its assigned functions.

§ 105–64.104 Responsibilities.

(a) Responsibility for coordination and control of committee management in GSA is vested in the Assistant Administrator. This responsibility will be exercised through the Director of Management Services, Office of Administration, or his designee, who shall serve as the GSA Committee Management Officer. This Officer shall, on behalf of the Assistant Administrator, carry out the functions prescribed in section 8(b) of the Federal Advisory Committee Act. Specifically he shall control and supervise the establishment, procedures, and accomplishments of advisory committees for which GSA is responsible. Such control and supervision shall be adequate to ensure compliance with the GSA guidelines provided by these regulations.

(b) Each Head of Service and Staff Office and Regional Administrator shall designate a Committee Management Officer who shall coordinate and control committee management within the service, staff office, or regional office, and shall act as liaison to the GSA Committee Management Officer. This Officer shall also:

(1) Assemble and maintain the reports, records, and other papers of any advisory committee for which GSA has responsibility. Arrangements may be made, however, for the Government chairman or other designated GSA representative to retain physical custody of such reports, records, and other papers to facilitate committee operations. After the committee is terminated, all committee records shall be disposed of in accordance with existing regulations; and

(2) Within existing agency regulations as found in Part 105–60, carry out the provisions of 5 U.S.C. 552 with respect to the reports, records, and other papers of advisory committees for which GSA is responsible.

Subpart 105–64.2—Establishment of Advisory Committees

§ 105–64.200 Scope of subpart.

This subpart prescribes the policy and procedures for establishing advisory committees within GSA.

§ 105–64.201 Proposals for establishing advisory committees.

The Head of a Service or Staff Office may propose establishment of a Central Office or regional advisory committee within the scope of his program responsibilities. Each such proposal shall be submitted to the Assistant Administrator (Attn: GSA Committee Management Officer) for review and coordination and shall include the following:

(a) A letter to the Director, Office of Management and Budget, for signature of the Administrator of General Services, describing the nature and purpose of the proposed advisory committee and the reasons it is needed, including the reasons its functions cannot be performed by an existing committee or Federal agency; and

(b) A notice for publication in the FEDERAL REGISTER containing a certification by the Administrator that creation of the advisory committee is in the public interest and describing the nature and purpose of the committee.

§ 105–64.202 Review and approval of proposals.

(a) The GSA Committee Management Officer shall review each proposal for establishment of an advisory committee to ensure conformity with GSA committee management policies and procedures. Thereafter, the letter of justification addressed to the Director, Office of Management and Budget, shall be forwarded through the Assistant Administrator to the Administrator of General Services for his signature.

(b) When notified by the Office of Management and Budget that establishment of the advisory committee would be in accord with the Federal Advisory Committee Act, the GSA Committee Management Officer shall secure final clearance and approval of the Federal Register notice in accordance with established GSA procedures. The notice must be published at least 30 calendar days prior to the filing of a committee charter in accordance with § 105–64.203.

§ 105–64.203 Advisory committee charters.

No advisory committee may meet or take any action until its charter has been approved by the Administrator of General Services and forwarded by the Assistant Administrator to the standing committees of the Senate and the House of Representatives having legislative jurisdiction over GSA. This requirement

applies to committees used as advisory committees though not established for that purpose, but only to the extent that the group performs the function of advising a GSA official.

§ 105–64.203–1 Preparation of charters.

(a) The Head of Service or Staff Office having jurisdiction over an advisory committee shall, following publication of the FEDERAL REGISTER notice regarding the establishment of that committee, prepare the committee's charter in accordance with this § 105–64.203–1. The completed charter shall be forwarded to the Assistant Administrator (Attn: GSA Committee Management Officer) for review, submission to the Administrator for approval, and filing.

(b) Each advisory committee charter shall contain the following information:

(1) The committee's official designation;

(2) The committee objectives and the scope of its activities;

(3) The period of time necessary for the committee to carry out its purposes. If the committee is intended to function as a standing advisory committee, this fact should be made clear;

(4) The official to whom the committee reports, including his name, title, and organization;

(5) The agency and office responsible for providing the necessary support for the committee;

(6) A description of the duties for which the committee is responsible. If such duties are not solely advisory, the statutory or Presidential authority for such additional duties shall be specified;

(7) The estimated annual operating costs in dollars and man-years for the committee;

(8) The estimated number and frequency of committee meetings;

(9) The committee's termination date, if it is less than 2 years from the date of its establishment; and

(10) The date the charter is filed. This date shall be inserted by the GSA Committee Management Officer after the Administrator approves the charter.

§ 105–64.203–2 Active charters file.

The original signed copy of each charter shall be retained by the GSA Committee Management Officer in a special file of active charters.

§ 105–64.203–3 Submission to Library of Congress.

A copy of each charter shall be furnished by the GSA Committee Management Officer to the Library of Congress at the time or shortly after copies are filed with the requisite committees of the Congress. Copies shall be forwarded to: Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

§ 105–64.204 Advisory committee membership.

(a) Advisory committees established by GSA shall be representative of the points of view within the profession, industry, or other group to which they relate, taking into account such factors as size, functions, geographical location, affiliation, and other relevant considerations affecting the character of an advisory committee. Representatives of the public interest shall be included on any advisory committee concerned with questions of social policy. The chairman, members, alternates, and observers, as appropriate, of all advisory committees shall be designated by the Administrator. Nominations shall be submitted by the Head of Service or Staff Office or Regional Administrator sponsoring the committee to the Assistant Administrator (Attn: GSA Committee Management Officer) for review and forwarding to the Administrator.

(b) There shall be no discrimination on the basis of race, color, age, national origin, religion, or sex in the selection of advisory committee membership.

Subpart 105–64.3—Advisory Committee Procedures

§ 105–64.300 Scope of subpart.

This subpart sets forth the procedures which will be followed in the operation of advisory committees within GSA.

§ 105–64.301 Meetings.

Each advisory committee and each meeting thereof shall be under the chairmanship of or shall meet only in the presence of a full-time salaried employee of GSA. The Government chairman or representative shall determine when a meeting of an advisory committee is to be held and may adjourn any meeting whenever he considers such action is in the public interest.

§ 105–64.301–1 Agenda.

An agenda shall be prepared or approved by the Government chairman or representative for each meeting of an advisory committee. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters covered by the exemptions from 5 U.S.C. 552(b) (Freedom of Information Act). Ordinarily, copies of the agenda shall be distributed to committee members prior to the date of the meeting.

§ 105–64.301–2 Security clearance.

All persons attending advisory committee meetings at which classified information will be considered are required to have security clearance commensurate with the category of classified matter to be discussed.

§ 105–64.301–3 Time and place.

Meetings shall be held only at the time and place determined or approved by the Government chairman or representative. Unless otherwise authorized, meetings shall be held in space under the control of the Government.

§ 105–64.301–4 Public notice of meetings.

(a) The responsible Head of Service or Staff Office shall ensure that timely notice is given of each advisory committee meeting by publication of a notice in the FEDERAL REGISTER at least 7 calendar days prior to the date of the meeting. Shorter advance notice may be provided only in emergency situations or when 7-day notice is clearly impracticable. To the extent practicable, announcements may also be made by general press releases, direct mailing, or publication in trade and professional journals appropriate to the nature of the committee meeting.

(b) The fact that a meeting may be closed to the public pursuant to the exemptions under the Freedom of Information Act does not, in general, relieve GSA of the requirement of publication of a notice of that meeting. An exception from this notice requirement may be authorized for reasons of national security by the Director, Office of Management and Budget, upon request by the Administrator of General Services at least 30 calendar days prior to the meeting.

(c) Each notice of meeting should state the name of the advisory committee, the time of the meeting, its purpose, and whether (or the extent to which) the public will be permitted to attend or participate. Whenever practicable, a summary of the agenda should be included. If the meeting is to be open to the public, the place of meeting should be specified in the notice. If any part of the meeting is to be closed, the notice should indicate the reasons therefor.

§ 105–64.301–5 Minutes of meetings.

Detailed minutes shall be kept of each advisory committee meeting. The minutes shall include at least the following items: The time and place of the meeting; a list of the advisory committee members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory committee; an explanation of the extent to which the meeting was open to the public; and an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting. The committee chairman shall certify the accuracy of all minutes.

§ 105–64.301–6 Public attendance and participation.

(a) Each GSA advisory committee meeting shall be open to the public unless the Administrator determines otherwise as provided in § 105–64.301–6(e).

(b) Interested persons shall be permitted to attend, appear before, or file statements with a GSA advisory committee unless the Administrator determines otherwise as provided by § 105–64.301–6 (e). When required for the orderly operation of the advisory committee, the Federal Register notice announcing the committee meeting may prescribe appropriate procedures for attendance, appearances, and filing statements.

(c) Advisory committee meetings which are open to the public shall be held at a reasonable time and at a place that is reasonably accessible. The size of the meeting room shall be adequate to accommodate the anticipated public participants in addition to the committee members.

(d) Whenever an advisory committee anticipates widespread public interest in one of its meetings, it may establish procedures for the orderly conduct of that meeting, including the requirement of advance approval for oral participation. Public notice of such procedures shall be given at the time of announcement of the meeting or, in any event, sufficiently in advance of the meeting to permit the public to comply.

(e) An advisory committee meeting will not be open to the public nor will the attendance, appearances, or filing of statements by interested persons be permitted at such a meeting whenever the Administrator of General Services determines that it is concerned with matters listed in 5 U.S.C. 552(b). If it is determined that only a portion of the meeting is concerned with such matters, only that portion of the meeting shall be closed. Any determinations concerning the closing of meetings shall be submitted in writing by the Head of the Service or Staff Office to the Administrator for approval at least 30 calendar days in advance of the scheduled date of the meeting.

(f) If a meeting is scheduled to discuss matters which are exempt under 5 U.S.C. 552(b), it may be closed to public attendance only if the Administrator determines that the meeting (or portion) will consist of an exchange of opinions, that the discussion if written would fall within exemption (5) of 5 U.S.C. 552(b), and that it is essential to close such meeting (or portion) to protect the free exchange of internal views and to avoid undue interference with GSA or committee operations.

§ 105–64.302 Committee records and reports.

(a) Except for those instances in which the Administrator of General Services has determined otherwise pursuant to 5 U.S.C. 552(b), the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by a GSA advisory committee shall be available (until the committee ceases to exist) for public inspection and copying in the office of the Government chairman (or GSA representative) of the committee. After the committee is terminated, disposition of the committee documents and the subsequent release of information therefrom shall be in accordance with existing Federal records, statutes, and regulations. The provisions of 5 U.S.C. 552(b) (5) shall not apply to access to advisory committee documents unless the Administrator determines that denial is essential to protect the free exchange of internal agency views and to avoid undue interference with GSA or committee operations. Except where prohibited by contractual agreements entered into prior to January 5, 1973, copies of transcripts, if any, of advisory committee meetings shall be made available by the Government chairman to any person at the actual cost of duplication.

(b) Subject to 5 U.S.C. 552(b) and instructions of the Director, Office of Management and Budget, at least eight copies of each report made by an advisory committee shall be filed by its Government chairman or GSA representative with the Library of Congress at the time of its issuance. Where appropriate, copies of background papers prepared by consultants to the advisory committee shall also be filed with the Library of Congress. The letter of transmittal shall identify the materials being furnished and a copy of the transmittal shall be provided to the GSA Committee Management Officer.

§ 105–64.303 Fiscal and administrative provisions.

(a) The Head of each Service or Staff Office shall ensure that in accordance with established GSA procedures records are maintained which fully disclose the disposition of any funds at the disposal of an advisory committee and the nature and extent of its activities.

(b) In those instances in which GSA is assigned administrative support responsibilities for a Presidential advisory committee, the Agency Liaison Division, Office of Management Services, Office of Administration, GSA, shall arrange for the maintenance of all necessary financial records as a part of its support services.

(c) Unless otherwise provided in the applicable Presidential order, statute, or other establishing authority, the GSA service or staff office sponsoring an advisory committee shall provide the necessary support services for operation of that committee.

§ 105–64.304 Renewal of advisory committees.

(a) The anniversary date for renewal of a nonstatutory advisory committee in existence when the Federal Advisory Committee Act became effective shall be January 5, 1975, and every 2 years thereafter. Each advisory committee established after January 4, 1973, may be renewed for successive 2-year periods beginning with the actual date of its establishment.

(b) Except in those instances in which the continued existence of an advisory committee is provided for by law, the renewal of an advisory committee requires that the responsible Head of Service or Staff Office submit to the Assistant Administrator (Attn: GSA Committee Management Officer) the following:

(1) An updated charter with a full explanation of the need for the renewal of the committee. (See § 105–64.203–1 for the contents of the charter.) The charter and explanation shall be furnished 60 calendar days prior to the 2-year anniversary date of the committee;

(2) A letter to the Director, Office of Management and Budget, for signature of the Administrator of General Services, setting forth the reasons for renewal of the committee; and

(3) A notice for publication in the FEDERAL REGISTER containing a certification by the Administrator that renewal of the advisory committee is in the public interest and describing the nature and purpose of the committee.

(c) Upon receipt of the above documents, the Assistant Administrator shall secure the approval of the Administrator for each advisory committee whose renewal is adequately justified. The Administrator will inform the Office of Management and Budget of his determination and the reasons therefor not more than 60 calendar days prior to the 2-year anniversary date of the committee. Following receipt of the Office of Management and Budget concurrence in the committee renewal, the Assistant Administrator shall publish notice of the renewal in the FEDERAL REGISTER and shall file copies of the updated charter as prescribed in § 105–64.203.

(d) No advisory committee required to file a new charter shall take any action other than the preparation of the charter between the date the new charter is required and the date it is actually filed.

§ 105–64.305 Termination of advisory committees.

(a) An advisory committee which has fulfilled its purpose as stated in its charter shall be terminated as soon as possible by the sponsoring Head of Service or Staff Office by written notification to the GSA Committee Management Officer.

(b) Failure to effect the continuation of an advisory committee by no later than each successive anniversary date will result in the automatic termination of that committee.

§ 105–64.306 Complaint procedures.

(a) Any person whose request for access to an advisory committee document is denied may seek administrative review pursuant to Part 105–60, which implements the Freedom of Information Act.

(b) On matters not involving access to documents, written complaints may be filed by aggrieved individuals or organizations with the Assistant Administrator addressed to the General Services Administration (AL), Washington, DC 20405. Such complaints must be filed within 90 days from the date the grievance arose. The Assistant Administrator shall promptly act upon the complaint and written notice of its disposition shall be provided to the complainant.

Subpart 105–64.4—Reports

§ 105–64.400 Scope of subpart.

This subpart sets forth the reports required by this Part 105–64 and prescribes instructions for submission of the reports.

§ 105–64.401 Report to Assistant Administrator.

By January 15 of each year, the Head of the appropriate Service or Staff Office shall report on the activities of each advisory committee under his jurisdiction in existence during the preceding calendar year. The report shall be submitted to the Assistant Administrator (Attn: GSA Committee Management Officer) and shall include the following information:

(a) The exact name of the advisory committee;

(b) Whether the committee is ad hoc or continuing (Generally an ad hoc committee is one that is established for a particular purpose and has a short duration. A short duration is usually less than 12 months.);

(c) Establishment date or date of continuation (The establishment date is the original creation date of the committee. The continuation date is the latest date that a review has taken place and the determination to continue the committee has been made. Indicate the most recent date.);

(d) Specific establishment authority;

(e) A statement indicating whether the committee was:

(1) Specifically directed by law;

(2) Authorized by law;

(3) Established by agency authority; or

(4) Established by Presidential directive;

(f) Termination or report date (This date indicates when the committee will cease functioning. It may be the final terminating date or the date a new continuance is due.);

(g) Brief statement of function;

(h) The principal reports, by subject and date, submitted by the committee;

(i) The dates of the committee's meetings during the preceding year, with a summary total of the number of times met;

(j) The name, occupation, position, and address of each committee member;

(k) The estimated total aggregate annual cost to the United States to fund, service, supply, and maintain the committee;

(l) The estimated annual man-years of staff support for the committee;

(m) A statement of the specific accomplishments of the committee during the preceding year;

(n) Any recommendations for exclusion for national security reasons of information from the President's report to Congress; and

(o) Any recommendations to modify, merge, or abolish an advisory committee.

§ 105–64.402 Annual report to the Office of Management and Budget.

By February 1 of each year, the GSA Committee Management Officer shall prepare for the signature of the Assistant Administrator an annual GSA report to the Office of Management and Budget regarding the status of all advisory committees for which GSA is responsible.

Effective date.—These regulations are effective September 24, 1973.

Dated September 18, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73–20221 Filed 9–21–73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Dependent Children of Unemployed Fathers; Correction

FR Document 73–14304, published at page 18549 in the issue dated Thursday, July 12, 1973, is corrected by changing the word "employed" in § 233.100(a) (1), first line, to "unemployed".

Dated September 12, 1973.

LUISA V. IGLESIAS,
Acting Assistant Administrator for Policy Coordinaion, Social and Rehabilitation Service.

Approved: September 19, 1973.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.73–20272 Filed 9–21–73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–19 (Sub-No. 7)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Participation in Rates at Different Levels

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of September 1973.

It appearing that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part thereof:

It is ordered, That part 1056 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by the addition of § 1056.21 as set forth below.

It is further ordered, That this order shall become effective on January 1, 1974, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(49 U.S.C. 301, 302, 304, 308, and 317 (5 U.S.C. 553 and 559).)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

49 CFR Part 1056 shall be amended by th addition of the following:

§ 1056.21 Uniform rates for identical services.

(a) No motor common carrier of household goods shall have in effect for its account more than one level of line-haul rates, whether local or joint, covering the transportation of noncontainerized household goods in interstate or foreign commerce between the same two points in the same direction.

(b) No motor common carrier of household goods shall have in effect for its account more than one level of line-haul rates, whether local or joint, covering the transportation of containerized household goods in interstate or foreign commerce between the same two points in the same direction.

[FR Doc.73–20292 Filed 9–21–73;8:45 am]

[Ex Parte No. MC–19 (Sub-No. 16)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Use of Credit Card Systems

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of September 1973.

It appearing, that investigation of the matters and things involved in this proceeding having been made, and the Commission, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That Part 1056 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1056.25, reading as set forth below.

(49 U.S.C. 304, 308, and 323.)

It is further ordered, That this order shall become effective on November 2, 1973.

It is further ordered, That notice of this order shall be given the public by depositing a copy thereof in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

And it is further ordered, That the petition of the Mover's & Warehousemen's Association of America, Inc., filed November 9, 1971, in all other respects be, and it is hereby, denied.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

§ 1056.25 Credit card plans; quarterly reporting required.

(a) Each motor common carrier of household goods desiring to participate in a credit card plan must obtain prior approval for such plan from the Interstate Commerce Commission by submitting a copy of its agreement with each financial institution participating in the plan. Except in unusual circumstances and on an experimental basis, such a plan shall be equally available to all certificated motor common carriers of household goods desiring to participate therein. Approval or disapproval will be made informally by the Commission in the form of a letter indicating informal consent for or disapproval of the plan. Notices of approval will be published by the Commission in the Federal Register.

(b) Each motor common carrier of household goods participating in an approved credit card plan shall file with the Commission quarterly reports showing (1) by bill of lading number and date each shipment transported for which a credit card was utilized by the shipper for the payment of all or a portion of the total charges, (2) the total charges for each such shipment, (3) the amount paid by carrier for credit checks and collection service on each shipment, (4) the points from and to which each such shipment moved, (5) the credit card system utilized (and the financial institution controlling the said system) for each such shipment, and (6) the quarterly totals for items (1), (2), and (3).

[FR Doc.73-20293 Filed 9-21-73;8:45 am]

[Ex Parte No. 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

Change in Effective Date

SEPTEMBER 18, 1973.

The report of the Commission upon further consideration and order, 344, I.C.C. 114, entered August 16, 1973, provided that the order would become effective 60 days after publication in the FEDERAL REGISTER.

In the publication in the FEDERAL REGISTER of September 5, 1973 (38 FR 23953) as corrected in the FEDERAL REGISTER of September 11, 1973 (38 FR 24903) and of September 14, 1973 (38 FR 25686) the effective date of the order entered August 16, 1973, was incorrectly set forth.

The report and order stated that the order was to become effective 60 days after publication in the FEDERAL REGISTER. The 60th day following corrected publication is Saturday, November 10, 1973, therefore, the order will be effective, Monday, November 12, 1973.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-20291 Filed 9-21-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Corrections

In FR Doc. 73-18361 appearing on page 23524 in the issue of Friday, August 31, 1973, technical or typographical errors are corrected as follows:

1. On page 23526, in § 20.105(e), the season dates for geese in the Coastal and Inland Zones of Massachusetts are amended to read "Oct. 20–Nov. 17/ Dec. 8–Jan. 17."

2. On page 23527, in § 20.105(e), in the Mississippi Flywaywide restrictions, the areas closed to canvasback and redhead hunting in Minnesota are amended to read "Statewide." The counties listed beside Minnesota are deleted.

3. On page 23527, in § 20.105(e), in the Mississippi Flyway table, the next two lines after "Illinois:" are amended to read:

Ducks	Oct. 20-Dec. 3	Point system.
Geese: [1,2]		

4. On page 23527, in § 20.105(e), in the Mississippi Flyway table, the season dates for ducks in Iowa are amended to read "Oct. 6–Oct. 10/Oct. 20–Nov. 28."

5. On page 23528, footnote 2 is amended to read:

6. On page 23531, in § 20.105(g), in the Seasons in the Atlantic Flyway, the season dates for Florida are amended to read "Nov. 22–Dec. 9/Dec. 20–Jan. 20."

7. On page 23531, in § 20.105(g), in the Seasons in the Central Flyway, the lines for Montana seasons are amended to read:

Montana [1]	Sept. 29-Nov. 27/ Dec. 15-Dec. 30.	

8. On page 23531, in § 20.105(h), in the Seasons in the Atlantic Flyway, the season dates for Florida are amended to read "Jan. 21–Jan. 31."

(40 Stat. 755; (16 U.S.C. 703 et seq.).)

Effective date.—These amendments are effective September 24, 1973.

F. V. SCHMIDT, *Acting Director, Bureau of Sport Fisheries and Wildlife.*

SEPTEMBER 19, 1973.

[FR Doc.73-20265 Filed 9-21-73;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

AGENCY REFERENCES AND PARTS REDESIGNATION

Editorial Changes

On July 1, 1973, Reorganization Plan No. 2 of 1973 became effective. Pursuant to this Plan, the Bureau of Narcotics and Dangerous Drugs was abolished, and all functions of the Bureau were transferred to the Drug Enforcement Administration. On July 2, 1973, an order was published in the FEDERAL REGISTER (38 FR 18380) delegating the functions vested in the Attorney General under the Comprehensive Drug Abuse Prevention and Control Act of 1970 to the Administrator of the Drug Enforcement Administration.

Therefore, it is hereby ordered that all references to the Bureau of Narcotics and Dangerous Drugs in Title 21, Chapter II, of the Code of Federal Regulations be hereby changed to refer to the Drug Enforcement Administration, and that all references to the Director of the Bureau of Narcotics and Dangerous Drugs be hereby changed to refer to the Administrator of the Drug Enforcement Administration, and that all references to the Regional Director of the Bureau of Narcotics and Dangerous Drugs be hereby changed to refer to the Regional Administrator of the Drug Enforcement Administration.

The Office of the Federal Register has notified the Drug Enforcement Administration that the Food and Drug Administration intends to republish and redesignate its regulations in a series covering Parts 1–1299, and has asked the Drug Enforcement Administration to redesignate its parts and sections beginning with Part 1300. Therefore, pursuant to the authority vested in the Attorney General by sections 201, 202(d), 301, 302(f), 304, 305, 306(f), 307, 308, 501(b), 505, 507, 511, 513, 704(c), 705, 1002, 1003, 1004, 1006, 1007(b), 1008(d), 1008(e), and 1015 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (38 FR 18380), it is hereby ordered that all parts and sections now contained in Title 21, Chapter II, of the Code of Federal Regulations be redesignated upward by one thousand (e.g., Part 301 becomes Part 1301, and § 303.37 becomes § 1303.37).

[2] In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 28,000 birds in each State. In the Swan Lake area of Missouri the kill of Canada geese will be limited to 17,500 birds. When it is determined by the Director, Bureau of Sport Fisheries and Wildlife, that the quota of Canada geese allotted to the State of Illinois or to the Swan Lake area of Missouri will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.

These orders shall become effective on September 24, 1973.

Dated September 14, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-20144 Filed 9-21-73;8:45 am]

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparaitons containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substance and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, or (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture contains a narcotic controlled substance, the preparation or mixture is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused, and so that the narcotic substance cannot in practice be removed. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

By amending § 1308.24(e) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * *

(1) * * *

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
*	*	*	*
American Hospital Supply Corp. (Harleco Division).	Clinicard, pseudo-cholinesterase, catalog No. 32307.	Clinicard cuvette containing a powder to be reconstituted by adding 3 ml water.	May 31, 1973
*	*	*	*
Amersham/Searle	HPL Immunoassay Kit No. IM-63	Bottle: 30 ml	May 18, 1973
*	*	*	*
Bio-Reagents & Diagnostics, Inc.	Toxicology control urine-dried No. 6716-25	Bottle: 25 ml	June 25, 1973
Do	Toxicology control serum-dried No. 6726-10	Bottle: 10 ml	Do.
Do	Toxicology urine proficiency control-dried No. 6736-25.	Bottle: 25 ml	Do.
Do	Abnormal control urine, assayed-dried No. 6954-25.	do	Do.
*	*	*	*
Clinical Assays, Inc	Morphine urine standard No. CA-224	Vial: 5 or 10 ml	June 13, 1973
Do	Morphine urine standard No. CA-225	do	Do.
Do	Morphine urine standard No. CA-226	do	Do.
Do	Morphine Urine Standard No. CA-227	do	Do.
Do	Morphine Urine Standard No. CA-228	do	Do.
Do	Morphine Urine Standard No. CA-229	do	Do.
Do	^{3}H Morphine No. CA-615	do	Do.
*	*	*	*
Diagnostics, Inc	DiAgAu Buffer, No. 65	Bottle: 1 gal	May 7, 1973
Do	DiAgAu Plates, No. 50	Plate: 10 ml	Do.
Do	DiAgAu Plates, No. 55	do	Do.
*	*	*	*
Grand Island Biological Co	Dextrose-Gelatin-Veronal Buffer Solution NDC No. 815-0566-1 and No. 815-0566-2.	Bottle: 100 ml and 500 ml.	July 5, 1973
*	*	*	*
Hoffmann-La Roche Inc	Abuscreen Radioimmunoassay for Barbiturates (^{3}H).	Vial: 60 ml and 5 ml	July 6, 1973
Do	Abuscreen Radioimmunoassay for Barbiturates (^{125}I).	Vial: 60 ml and 5 ml	Do.
*	*	*	*
Kallestad Labs, Inc	Osmotect Buffer No. M 101	Vial: 7 dram, 7.4 g per vial, 5 vials per package.	May 17, 1973
Do	Buffer No. C135	Vial: 7 dram	Do.
Do	Osmotect Agar Gel Plate Kit No. M 100	Plate: 2 ml, 6 per kit	Do.
*	*	*	*
Materials & Technology Systems, Inc.	Carboxymethylmorphine Sensitized RBC	Vial: 50 ml	May 3, 1973
Do	Ecgonine Sensitized RBC	do	Do.
Do	5-ethyl-5-(1-carboxy-n-propyl) barbituric acid Sensitized RBC.	do	Do.
*	*	*	*
SIGMA Chemical Co	SGOT Single Assay Vial, No. 55-1	Vial: 3 ml	May 29, 1973
Do	SGOT Assay Vial, No. 55-5	Vial: 15 ml	Do.
Do	SGOT 10 Assay Vial, No. 55-10	Vial: 30 ml	Do.
Do	SGPT Single Assay Vial, No. 55-1P	Vial: 3 ml	Do.
Do	SGPT 5 Assay Vial, No. 55-5P	Vial: 15 ml	Do.
Do	SGPT 10 Assay Vial, No. 55-10P	Vial: 30 ml	Do.
Do	SGOT Reagent No. 155-10	do	Do.
Do	SGOT Reagent No. 155-100	Vial: 100 ml	Do.
Do	SGPT Reagent No. 155-10P	Vial: 30 ml	Do.
Do	SGPT Reagent No. 155-100P	Vial: 100 ml	Do.
Do	LDH-P Reagent No. 125-10	Vial: 30 ml	Do.
Do	LDH-P Reagent No. 125-100	Vial: 100 ml	Do.
*	*	*	*
SYVA Co	Frat Opiate Spin Label Reagent B	Bottle: 5 ml	May 22, 1973
Do	Frat Methadone Spin Label Reagent B	do	Do.
Do	Frat Barbiturate Spin Label Reagent B	do	Do.
Do	Frat Amphetamine Spin Label Reagent B	do	Do.
Do	Frat Cocaine Metabolite Spin Label Reagent B.	do	Do.
Do	Emit Opiate Enzyme Reagent B	do	Do.
Do	Emit Methadone Enzyme Reagent B	do	Do.
Do	Emit Barbiturate Enzyme Reagent B	do	Do.
Do	Emit Amphetamine Enzyme Reagent B	do	Do.
Do	Emit Cocaine Metabolite Enzyme Reagent B.	do	Do.
Do	Emit Opiate Enzyme Reagent B	Bottle: 60 ml	Do.
Do	Emit Methadone Enzyme Reagent B	do	Do.
Do	Emit Barbiturate Enzyme Reagent B	do	Do.
Do	Emit Amphetamine Enzyme Reagent B	do	Do.
Do	Emit Cocaine Metabolite Enzyme Reagent B.	do	Do.
Do	Emit Low Calibrator	Vial: 3 ml	May 5, 1973.
Do	Emit Medium Calibrator	do	Do.
Do	Emit High Calibrator	do	Do.
Do	Products of the following substances either alone or in combination with one another and not to exceed 10 micrograms per milliliter lyophilized human urine: (1) Amphetamine, (2) Benzoyl Ecgonine, (3) Codeine, (4) Ecgonine, (5) 2-Ethilidene-1,5-dimethyl-3,3-diphenyl-pyrrolidine, (6) Glutethimide, (7) Methadone, (8) Methamphetamine, (9) Methaqualone, (10) Morphine, (11) Morphine Glucuronide, (12) Pentobarbital, (13) Phenobarbital, (14) Secobarbital.	Vial: 50 ml	May 31, 1973.

Effective date.—This order is effective on September 21, 1973. Any interested person may file written comments on or objections to the order by November 20, 1973. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated September 14, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-20143 Filed 9-21-73;8:45 am]

CHAPTER III—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

PART 1401—CONFIDENTIALITY OF DRUG ABUSE PATIENT RECORDS

Redesignation of Part

Under date of November 17, 1972, the Special Action Office for Drug Abuse Prevention caused to be published under Title 21 of the FEDERAL REGISTER Part 401, Chapter III relating to the "Confidentiality of Drug Abuse Patient Records." (Volume 37, No. 223, pages 24636–24639; 37 CFR 401). It is now desired to redesignate said Part 401, Chapter III of the Code of Federal Regulations. Therefore, it is ordered that Part 401, Chapter III of Title 21 of the Code of Federal Regulations be redesignated and shall hereafter be referred to as Part 1401, Chapter III of Title 21 of such Code, and §§ 401.01 to 401.73 therein are redesignated accordingly and shall be hereafter referred to as §§ 1401.01 to 1401.73.

By order of the Director of the Special Action Office for Drug Abuse Prevention.

Effective September 24, 1973.

GRASTY CREWS, II,
General Counsel.

[FR Doc.73-20223 Filed 9-21-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL; PHASE IV PRICE REGULATIONS

Construction Industry

The purpose of this amendment to Part 150 of the Cost of Living Council Phase IV Price Regulations is to revise Subpart N—Construction.

On July 19, 1973, the Cost of Living Council established Part 150 and issued Subpart N, 38 FR 19462 (July 20, 1973) as the first body of Phase IV price stabilization regulations. As originally issued, Subpart N was essentially a republication of the regulations first issued on June 18, 1973, 38 FR 15821. In light of its experience under Subpart N and the earlier regulations and on the basis of comments received, the Council finds that a number of technical adjustments to the regulations are required.

A new §150.61 is being added to Subpart D—Exemptions, to exempt from the operation of Phase IV price regulations those small firms which are engaged in construction operations but have annual sales and revenues from construction operations of no more than $1 million.

Since profit margin limitations are the primary basis for price stabilization with respect to the construction industry, Subpart N is being revised and restated in its entirety so as to state its operative rules in terms relating to profit margins, eliminate references to individual prices, and incorporate several provisions to facilitate an effective and equitable operation of the profit margin limitation. In addition, a number of other minor technical changes are reflected.

As revised, § 150.451 provides that Subpart N applies to the construction operations of all firms other than those small firms exempt under new § 150.60. Under the earlier regulations, firms deriving less than 20 percent and less than $50 million in annual sales and revenues from construction operations were subject to other applicable provisions of Part 150 dealing with manufacturers, service organizations, retailers, etc. As revised, Subpart N becomes applicable to the construction operations of all firms, other than the small exempt firms. Paragraph (b) of § 150.451 provides that Subpart N supersedes certain provisions of Part 150 that could otherwise be applicable to a firm's construction operations.

In § 150.452 the definition of "annual sales or revenues" has been shortened by incorporating by reference the definition of that term as set forth in the general definintions in § 150.31. The definition of "base period" has been changed to conform to the phraseology in the definition of "base period" in the general definitions in § 150.31. The definition of "construction industry" has been eliminated as surplusage and covered by the defined term "construction operations".

Section 150.453 has been changed in two respects. In paragraph (c)(2) "the owner or user, the CISC or Council" have been added to the list of persons who can notify a prime contractor of a CISC or Council action resulting in a wage or salary reduction. In paragraph (d), the authorization for a prime contractor to place in escrow an amount due a subcontractor to cover a wage or salary reduction has been limited to those situations where the prime contractor does not otherwise retain a sufficient percentage of the subcontract price pending completion of the project.

Former § 150.456 has been divided into two separate sections, § 150.454 covering the calculation of a firm's base period profit margin limitation and § 150.455 setting forth the rules for measuring a firm's compliance therewith.

Under new § 150.454 governing the calculation of a firm's base period profit margin, a firm having both construction and nonconstruction operations is required to calculate a separate base period profit margin for each. Its nonconstruction operations are then governed by other appropriate provisions of Part 150 while its construction operations are subject to Subpart N. However, if its annual revenues from nonconstruction operations are more than 50 percent of its total revenues and its construction and nonconstruction operating incomes cannot be separately identified, the firm's entire operations are subject to such other provisions of Part 150 as are applicable to its nonconstruction operations. If its annual revenues from nonconstruction operations are not more than 50 percent of its total revenues and its construction and nonconstruction operating incomes cannot be separately identified, the firm's entire operations are subject to the profit margin limitation prescribed in Subpart N and in all other respects its nonconstruction operations are subject to such other pricing rules in Part 150 as may be applicable.

New § 150.455(a) prescribes the basic profit margin limitation (i.e. a firm's profit margin on construction operations may not exceed its base period profit margin on construction operations). However, under paragraph (b), if 90 percent or more of a firm's annual sales and revenues come from the sale of exempt items and it derives less than $50 million of its annual sales and revenues from nonexempt items, the firm is excused from the profit margin limitation for the following year. Under paragraphs (c) and (d), if a firm exceeds its profit margin limitation, the Cost of Living Council will consider certain enumerated causal factors in determining what sanctions should be applied for the overage.

New § 150.456 is a revision of former § 150.455 and has been recast in terms of a firm's profit margin rather than the prices it charges so as to conform to the overall restructuring of revised Subpart N.

New § 150.457 replaces former § 150.454 and prescribes an annual reporting requirement for firms deriving $10 million or more annually from construction operations. It also requires firms deriving less than $10 million but more than $1 million from construction to maintain records to demonstrate their compliance with Subpart N.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective September 26, 1973.

Issued in Washington, D.C., on September 21, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

1. Section 150.60(a) (2) (iii) and (b) (2) (iii) are amended to read as follows:

§ 150.60 Small business: exemption of firms with 60 or fewer employees.

(a) * * *
(2) * * *

(iii) A firm which on August 12, 1973, was engaged in construction operations as defined in § 150.452 and which derived more than $1 million in annual sales and revenues from those construction operations during its most recently completed fiscal year.

* * * * *

(b) * * *
(2) * * *

(iii) A firm which at any time during its first four calendar quarters after June 30, 1973, was engaged in construction operations as defined in § 150.452 and had annual sales and revenues from those construction operations of $1 million or more.

2. The items in the table of sections pertaining to Subpart N are amended to read as follows:

Subpart N—Construction

Sec.
150.451 Applicability and scope.
150.452 Definitions.
150.453 Redetermination of contracts over $500,000 when wages reduced by CISC or the Council.
150.454 Base period profit margin calculation.
150.455 Profit margin limitation.
150.456 Pass through of certain wage adjustments.
150.457 Reporting; recordkeeping.

3. Subpart N is amended to read as follows:

Subpart N—Construction

§ 150.451 Applicability and scope.

(a) This subpart applies to the construction operations of all firms which derived $1 million or more in annual sales or revenues from construction operations during its most recently completed fiscal year.

(b) With respect to firms to which this subpart applies, this subpart supersedes the provisions of §§ 150.3, 150.10, and 150.11 and Subparts E, F, G, H and K of this part except as otherwise provided in § 150.454. To the extent that this subpart may be inconsistent with any other provisions in this part, the provisions in this subpart govern.

§ 150.452 Definitions.

As used in this subpart—

"Annual sales or revenues" means annual sales or revenues as defined in § 150.31 and includes a firm's pro rata share of annual sales or revenues derived from the construction operations of any joint venture in which it is a participant.

"Base period" means any one, at the option of the firm concerned, of that firm's fiscal years ending after August 15, 1968, except a fiscal year for which compliance is being measured. If a firm uses for its base period, a fiscal year ending after August 15, 1971, and prior to January 11, 1973, for which the firm exceeded a profit margin limitation imposed pursuant to the provisions of Part 300 of this title in effect on January 10, 1973, it shall reduce its operating income for that fiscal year to the level of operating income it would have obtained for that fiscal year had it been in compliance with that Part 300 of this chapter profit margin restraint.

"Construction operations" includes all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like when performed on a contract basis, but does not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition. It also includes the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by those workers and all other work classified as construction in § 5.2(g) of Title 29 Code of Federal Regulations.

§ 150.453 Redetermination of contracts over $500,000 when wages reduced by CISC or the Council.

(a) The contract price for each construction contract in excess of $500,000, all or part of which is performed by construction workers whose wages and salaries are subject to review by the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council, shall be redetermined prior to final payment if the wage and salary level of those construction workers is reduced as a result of CISC or Council action. The amount by which the contract price is reduced as a result of the redetermination must fairly reflect the results of the CISC or Council action, including any cost increases directly resulting from the CISC or Council action.

(b) Redetermination of any Federal Government fixed-price prime construction contract in excess of $500,000 affected by CISC or Council action shall be conducted in the manner provided in the applicable federal procurement regulations and applicable regulations of the Department of Defense.

(c) Redetermination of fixed-price prime construction contracts in excess of $500,000 other than those referred to in paragraph (b) of this section shall be conducted in the following manner:

(1) Upon notification of a reduction in the wages and salaries of construction workers subject to CISC or Council review each subcontractor performing work under the prime contract, whose construction workers have had a reduction of wages and salaries as a result of CISC or Council action, shall promptly notify the prime contractor of any such reduction, notwithstanding the dollar value of the subcontract.

(2) In the absence of a contract clause relating to redetermination of the contract price, and after notification by his subcontractors, the owner or user, CISC, or the Council of a reduction in the wages and salaries of construction workers as a result of CISC or Council action, the prime contractor shall offer in writing to redetermine the contract price with the owner or user prior to final payment, and furnish the owner or user with a statement of the estimated number of employees affected by the CISC or Council action.

(3) The owner or user shall notify the contractor of his intention to jointly redetermine the contract price within 90 days after receipt of the offer referred to in paragraph (c) (2) of this section.

(d) In complying with this section, the prime contractor may require each subcontractor, regardless of tier, to submit to him a statement of the estimated number of employees affected by the results of the CISC or Council action. The final payment due the subcontractor engaged to perform the subcontracted work shall be jointly redetermined to reflect fairly the results of the CISC or Council action, including any cost increases directly resulting from such action. Pending notification by the owner or user of his intent to redetermine the contract price, and if the prime contractor does not hold sufficient funds in the form of retainage to fairly reflect the CISC or Council action, the prime contractor may place in escrow an amount which fairly reflects that action. The prime contractor shall refund to the subcontractor the amount placed in escrow if the owner or user does not indicate to the prime contractor his intention to jointly redetermine the contract price within the 90-day period specified, or if the owner or user does notify the prime contractor during that time period that he will not redetermine the contract price.

§ 150.454 Base period profit margin calculation.

(a) Except as provided in paragraphs (b) and (c) of this section, each firm to which this subpart applies shall, to the extent possible and consistent with the accounting principles customarily used in preparation of its financial statements, calculate its base period profit margin on construction operations separately from its base period profit margin on its other operations. In calculating a base period profit margin on construction operations, the firm shall use the definition of base period set forth in § 150.452 and in calculating a base period profit margin on other operations the firm shall use the definition of base period set forth in § 150.31. The firm's other operations are subject to Subpart E, Subpart K, or such other provisions of this part as may be applicable.

(b) If a firm's annual sales or revenues from other than construction operations are more than 50 percent of its

total annual sales or revenues and the firm cannot separate its construction and nonconstruction operating income, the firm shall treat its construction operations as part of its other operations for purposes of Subpart E, Subpart K, or such other provisions of this part as may be applicable.

(c) If a firm's annual sales or revenues from other than construction operations are not more than 50 percent of its total annual sales or revenues and the firm cannot separate its construction and nonconstruction operating income, the firm shall treat its nonconstruction operations as part of its construction operations for profit margin purposes under this subpart. However, in all other respects its nonconstruction operations remain subject to Subpart E, Subpart K, or such other provisions of this part as may be applicable.

§ 150.455 Profit margin limitation.

(a) A firm's profit margin on construction operations for any fiscal year may not exceed the firm's base period profit margin on construction operations.

(b) A firm which during its most recent fiscal year derived both (1) 90 percent or more of its annual sales or revenues from the sales of exempt items or from exempt sales and (2) less than $50 million of its annual sales or revenues from the sale or lease of nonexempt items, is not subject to a profit margin limitation for the next ensuing fiscal year.

(c) When a firm is in violation of its profit margin limitation on construction operations, the Council in determining an appropriate sanction will consider whether the excess results from factors such as variation in the profit margin caused by the accounting method used on multiyear projects, or other factors which are unique to the construction industry and which would distort the comparison of a firm's current profit margin on construction operations with that which prevailed in its base period.

(d) Any justification advanced by a firm for its profit margin excess based on any of the factors listed in paragraph (c) of this section, must be included in the firm's annual report required under § 150.457.

§ 150.456 Pass through of certain wage adjustments.

In computing its profit margin under this subpart, a firm may treat as allowable costs for construction operations any wage or salary adjustment contained in a collective bargaining agreement or pay practice entered into after November 8, 1971, to the extent that adjustment has been approved by CISC or the Council. However, a firm may not treat as allowable costs any such adjustment incurred during the period from 9:00 p.m. e.s.t., June 13, 1973, through 11:59 p.m., e.s.t., August 12, 1973, unless the effective date of the adjustment was prior to June 13, 1973.

§ 150.457 Reporting; recordkeeping.

(a) Except as provided in paragraph (c) of this section, each firm having construction operations to which this subpart applies and which derives $10 million or more in annual sales or revenues from construction operations, shall prepare and submit to the Cost of Living Council within 90 days after the end of each fiscal year ending after June 12, 1973, a sales and profit margin report on a form prescribed by and in accordance with instructions issued by the Council.

(b) Each firm to which this subpart applies and which derives more than $1 million but less than $10 million in annual sales or revenues from construction operations shall maintain in accordance with § 150.164 such records as are sufficient to demonstrate that the firm is in compliance with this subpart.

(c) A firm is not required to submit the reports otherwise required under paragraph (a) of this section if:

(1) the firm has both construction and non-construction operations and pursuant to § 150.454(b) treats its construction operations as part of its other operations; or

(2) during its most recent fiscal year, the firm derived both (i) 90 percent or more of its annual sales or revenues from the sale of exempt items or exempt sales and (ii) less than $50 million of its annual sales or revenues from the sale of non-exempt items.

[FR Doc.73-20469 Filed 9-21-73;10:46 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Limitation of Handling

This notice proposes minimum grade and size requirements for oranges grown in the Lower Rio Grande Valley in Texas for the period October 16, 1973, through November 3, 1974. The proposed requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

The proposal would limit the handling of oranges by establishing regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of oranges from the production area are expected to begin on or about October 16, 1973. The proposed grade and size requirements provided herein are designed to prevent the handling on and after October 16, 1973, of any oranges of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while providing producers fair returns pursuant to the declared policy of the act. The proposed grade and size requirements are the same as those currently in effect through October 15, 1973, under § 906.350 Orange Regulation 24 (37 FR 21801). Such proposal reads as follows:

§ 906.352 Orange Regulation 25.

Order. (a) During the period October 16, 1973, through November 3, 1974, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be $2\frac{6}{16}$ inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California and Arizona) (7 CFR 51.680–51.714).

Dated September 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-20277 Filed 9-21-73;8:45 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Limitation of Handling

This notice proposes minimum grade and size requirements for grapefruit grown in the Lower Rio Grande Valley in Texas for the period October 16, 1973, through November 3, 1974. The proposed requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

The proposal would limit the handling of grapefruit by establishing regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about October 16, 1973. The proposed grade and size requirements provided herein are designed to prevent the handling on and after October 16, 1973, of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while providing producers a fair return pursuant to the declared policy of the act.

The proposed grade requirements provided herein are the same as those currently in effect, while the proposed size requirements for the periods specified are comparable to those in effect during the past season. The proposed more stringent size requirement, for the period November 5, 1973, through February 24, 1974, is designed to prevent a weakening of the market during a period of normally heavy shipments, and to maintain the competitiveness of Texas grapefruit when other areas are shipping greater volumes of larger grapefruit. Grade and size requirements are currently in effect through October 15, 1973, under § 906.351 Grapefruit Regulation 24 (37 FR 21801).

Such proposal reads as follows:

§ 906.353 Grapefruit Regulation 25.

Order. (a) During the period October 16, 1973, through November 3, 1974; no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be $3\frac{2}{16}$ inches: *Provided,* That during the period November 5, 1973, through February 24, 1974, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be $3\frac{4}{16}$ inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620–51.653).

Dated September 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-20278 Filed 9-21-73;8:45 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Container, Pack, and Container Marking Requirements

This notice proposes a modification of the container, pack, and container marking requirements for Texas oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, which would become effective October 16, 1973.

Consideration is being given to the following proposal, applicable to § 906.340 *Container, pack, and container marking regulations,* recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

This action reflects the committee's appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit, while providing producers a fair return pursuant to the declared policy of the act. The proposed amendment would authorize shipment of five 8-pound bags of fruit in the master container authorized in paragraph (a)(1)(vi) of § 906.340. Currently this master container is authorized only for the shipment of eight 5-pound bags of fruit. The applicable provisions in paragraph (a)(1)(iv)(*b*) would also be modified to conform to this proposed change. The proposed amendment would also delete paragraphs (a)(1)(xi), (a)(1)(xii), and (a)(1)(xiii), because the provisions in these paragraphs expired July 31, 1973, and they are obsolete.

The proposal is that paragraphs (a)(1)(xi), (a)(1)(xii), and (a)(1)(xiii) be deleted and that the provisions of paragraphs (a)(1)(iv)(*b*) and (a)(1)(vi) of § 906.340 (7 CFR 906.340) be amended to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *
(1) * * *
(iv) * * *

(*b*) Bags having a capacity of 8-pounds of fruit: *Provided,* That fruit when packed in such bags shall be handled only when packed in the numbers and containers specified in paragraphs (a)(1)(v) and (a)(1)(vi) of this section;

* * * * *

(vi) Closed fiberboard carton with inside dimensions of 20 x 13¼ inches and of a depth from 9¾ to 10¾ inches: *Provided,* That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of eight 5-pound bags of fruit, or five 8-pound bags of fruit;

* * * * *

Dated: September 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-20279 Filed 9-21-73;8:45 am]

[7 CFR Part 927]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Proposed Expenses and Fixing of Rate of Assessment for 1973–74 Fiscal Period

This notice invites written comments relative to the proposed expenses of $82,445 and the assessment rate of $0.015 per standard western pear box of winter pears to support the activities of the Control Committee during the 1973–74 fiscal period under Marketing Order No. 927.

Consideration is being given to the following proposal submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses which are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1973, through June 30, 1974, will amount to $82,445.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at $0.015 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 18, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-20213 Filed 9-21-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

SUPPLEMENTARY MEDICAL INSURANCE BENEFITS

Premium Rate

Notice is hereby given pursuant to the Administrative Procedure Act, as amended (5 U.S.C. 553) that the amendments to the regulations (20 CFR 405.902), set forth below in tentative form are proposed by the Acting Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments reflect section 203 of the Social Security Amendments of 1972 (Pub. L. 92-603) which limits any increase in the supplementary medical insurance premium rate for a 12-month period beginning July of any year to the percentage by which cash benefits under title II were increased during the preceding 12 months. The actual computation process (as promulgated by Pub. L. 92-603) is not being included since the computation process and all actuarial assumptions are published in the FEDERAL REGISTER whenever there is a premium increase. A cross-reference to section 1839 of the Act, as amended (that section stating the computation process) has been included. The premium rates and the dates for which they are effective through June 1974 are set forth below.

Prior to the final adoption of the proposed regulations, consideration will be given to any comments, views, or objections relating thereto which are submitted in writing in triplicate to the Acting Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 24, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 1102, 1839, and 1871, 49 Stat. 647 as amended, 79 Stat. 306, as amended; 79 Stat. 331 (42 U.S.C. 1302, 1395r, hh).)

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated August 24, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved September 19, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart I of Regulations No. 5 of the Social Security Administration (20 CFR Part 405) is amended as follows:

1. Paragraph (a) of § 405.902 is revised to read as follows:

§ 405.902 Amount of premiums.

(a) *Enrollment in initial enrollment period.* Where an individual enrolls during his initial or deemed initial enrollment period (see § 405.212) or under the "good cause" provisions discussed in § 405.224, his monthly premiums under the supplementary medical insurance program will be the standard premium as determined under subparagraph (1) or (2) of this paragraph.

(1) The standard monthly premium under the supplementary medical insurance program is $3 for each month of coverage (see § 405.220) from July 1966 through March 1968; $4 for each month of coverage from April 1968 through June 1970; $5.30 for each month from July 1970 through June 1971; $5.60 for each month from July 1971 through June 1972; $5.80 for each month from July 1972 through June 1973.

(2) During December 1972, and each December thereafter, the Secretary shall determine and promulgate (setting forth the actuarial assumptions and bases employed by him) the standard premium which shall be applicable for the 12-month period commencing July 1 in the succeeding year. Such standard premium shall be determined as prescribed in section 1839 of the Act, as amended.

* * * * *

[FR Doc.73-20274 Filed 9-21-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 25800; EDR—251B]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Reporting of Certain Data by Commuter Air Carriers and Other Air Taxi Operators

SEPTEMBER 18, 1973.

By notice of proposed rulemaking EDR-251,[1] the Board gave notice that it had under consideration an amendment to Part 298 of its Economic Regulations (14 CFR Part 298), which would revise the report forms (Form 298-C) presently required to be filed quarterly by commuter air carriers, and would impose on all air taxis—including commuters—a new requirement to report annually with respect to their overall operations, both scheduled and nonscheduled. For the latter purpose, a new reporting form (Form 298-D) was proposed.

Since issuing said Notice, we have decided that the data which we have proposed, in this proceeding, to obtain annually from all air taxi operators with respect to their overall operations would be more useful to us if reported in a manner which would separately disclose domestic operations and international operations. We are accordingly substituting the proposed rule set forth hereinbelow, including the proposed CAB Form 298-D annexed thereto, for the proposed rule and Form 298-D set forth in EDR-251.

In view of the fact that the time for filing comments in this proceeding has already been extended to October 19, 1973, by Supplemental Notice EDR-251A,[2] and since the within proposal does not substantially revise the initial proposal in EDR-251, we are not now further extending the time for filing comments.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Explanatory statement. There are between 400 and 500 U.S. air taxis which have been authorized by foreign governments (chiefly Canada) to perform international services. Schedules T-1 and T-2 of the Form 298-C filed by commuter air carriers presently provide us, and will continue to provide us, with particular information enabling us to determine the extent of a commuter's scheduled operations in any international market. However, the proposed Form 298-D which was part of EDR-251 would present data on the overall operations of air taxis in an undifferentiated manner which would completely preclude us from determining the extent of any air taxi operator's nonscheduled operations in any or all international markets.

We believe that specific information as to the volume of nonscheduled air taxi operations in country-to-country markets would be very useful to us, particularly for bilateral intergovernmental discussions on nonscheduled air services, and that to require air taxis to file reports annually on a form specifically disclosing such data would not be unduly burdensome. We have therefore tentatively concluded that the reports which we have proposed in EDR-251 to require of air taxis, including commuters, should be appropriately revised to accomplish the purpose discussed above.

Proposed rule. It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298) as follows:

1. Amend the Table of Contents by adding a new § 298.6—Extension of filing time, under Subpart A—General; deleting and reserving § 298.62 under Subpart F—Reporting of Scheduled Operations by Commuter Air Carriers; and adding a new Subpart F-1—Reporting by Air Taxi Operators, consisting of a new § 298.67—Reporting instructions, the table as amended to read as follows:

Sec.
298.6 Extension of filing time.

Subpart F—Reporting of Scheduled Operations by Commuter Air Carriers

298.62 [Reserved]

Subpart F-1—Reporting by Air Taxi Operators

298.67 Reporting instructions.

[1] Dated August 15, 1973; 38 FR 22494.

[2] Dated August 29, 1973; 38 FR 23805, September 4, 1973.

2. Amend § 298.2 by adding thereto certain definitions, the section as amended to read as follows:

§ 298.2 Definitions.

* * * * *

"Air transportation" means * * *

"Aircraft hours" means the airborne hours of aircraft computed from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

"Aircraft miles" means the miles (computed in airport-to-airport distances) for each flight stage actually completed, whether or not performed in accordance with the scheduled pattern.

* * * * *

"Competitive market" means * * *

"Departure" means takeoff from an airport.

"Flight stage" means the operation of an aircraft from takeoff to landing.

* * * * *

"Maximum payload capacity" means * * *

"Mile" means a statute mile *i.e.*, 5,280 feet.

"Noncompetitive market" means * * *

"Passengers carried" means passengers on board each flight stage.

"Point" when used * * *

"Revenue passenger-mile" means one revenue passenger transported one mile. Revenue passenger-miles are computed by summation of the products of the revenue aircraft miles flown on each flight stage multiplied by the number of revenue passengers carried on that flight stage.

"Revenue seat-miles available" means the total of the products of aircraft miles and number of seats available for revenue use on each flight stage, representing the total passenger-carrying capacity offered.

"Revenue ton-mile" means one ton of revenue traffic transported one mile. Revenue ton-miles are computed by summation of the products of the revenue aircraft miles flown on each flight stage multiplied by the number of revenue tons carried on that stage. (A standard weight of 200 pounds per passenger may be used in the computation.)

"Revenue ton-miles available" means the aggregate of the products of the aircraft miles flown on each flight stage multiplied by the capacity in tons available for use on that stage.

"Ton" means a short ton, *i.e.*, 2,000 pounds.

3. Add a new § 298.6, following § 298.5, to read as follows:

§ 298.6 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor, addressed to the Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428. Such a request must give a sufficient reason for granting the extension, set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the carrier of the action taken. Except in cases of emergency, no request for extension will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the carrier remains subject to the filing requirements to the same extent as if no request for extension had been made.

4. Delete and reserve § 298.62, as follows:

§ 298.62 [Reserved]

5. Amend paragraph (b) of § 298.64 by adding thereto new subparagraphs (5) and (6), the section as amended to read as follows:

§ 298.64 Reporting instructions.

* * * * *

(b) * * *

(5) Columns (5), (6) and (7) shall set forth, respectively, aircraft hours flown, aircraft miles flown and aircraft departures performed during the reporting quarter.

(6) Columns (8), (9), (10), and (11) shall set forth, respectively, revenue passenger-miles, revenue seat-miles available, revenue ton-miles and revenue ton-miles available for the reporting quarter.

6. Amend Part 298 by adding a new Subpart F–1, consisting of a new § 298.67, the caption and text of the subpart to read as follows:

Subpart F–1—Reporting by Air Taxi Operators

§ 298.67 Reporting instructions.

(a) Each air taxi operator (including commuter air carriers) shall file CAB Form 298–D, entitled "Report of All Revenue Operations Performed by Air Taxi Operators and Commuter Air Carriers," in accordance with the provisions of this part and in the manner set forth in said form, which is made a part hereof and annexed hereto.

(b) CAB Form 298–D shall be prepared for the period January 1 through December 31 of each year. It shall be completed in triplicate and filed with the Board (i.e., postmarked) not more than forty (40) days after the end of each calendar year, and shall be addressed to the Civil Aeronautics Board, Attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

(c) Items 1 through 4 under Part I of CAB Form 298–D shall set forth, in total, respectively, the number of passengers carried, aircraft hours flown, aircraft miles flown and number of aircraft departures performed in all revenue domestic operations, whether scheduled or nonscheduled.

(d) Items 1 through 4 under Part II of CAB Form 298–D shall set forth, respectively, the number of passengers carried, aircraft hours flown, aircraft miles flown and number of aircraft departures performed in revenue operations in each market of international operations (e.g., United States-Bahamas, United States-Canada, United States-Mexico), the name of each such market shall be inserted over columns (a) through (c), and the total for each item shall be set forth in column (d).

(e) The certificate contained in CAB Form 298–D shall be executed by the officer in charge of the carrier's accounts.

[FR Doc.73-20231 Filed 9-21-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

United States Customs Service

[T.D. 73-264]

RICHARD C. O'ROURKE, CHICAGO, ILLINOIS

Cancellation With Prejudice of Customhouse Broker's License No. 4010

SEPTEMBER 17, 1973.

Notice is hereby given that the Commissioner of Customs on September 17, 1973, pursuant to section 641, Tariff Act of 1930, as amended, and § 111.51(b), Customs Regulations, as amended, upon the specific request of Richard C. O'Rourke, canceled with prejudice customhouse broker's license No. 4010 issued to him on April 15, 1968, for the Customs district of Chicago.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-20266 Filed 9-21-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ADVISORY COMMITTEE FOR NATIONAL DREDGING STUDY

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (PL 92-463) notice is hereby given of the fourth meeting of the Advisory Committee for National Dredging Study to be held September 27 and 28, 1973. The meeting will begin at 9:30 a.m. in Room 6A092, the Forrestal Building, Washington, D.C.

The purpose of the meeting is to discuss procedures with the management consulting firm conducting the National Dredging Study.

Within the facilities available (about 22 persons) the meeting will be open to observers. However, the purpose of the meeting is not compatible with participation in the proceedings by the observers. Any member of the public who wishes to do so will be permitted to file a written statement with the Committee before or after the meeting.

Inquiries may be addressed to the Designated Federal Representative, Mr. Eugene B. Conner, DAEN-CWO-M, Office Chief of Engineers, U.S. Army, Washington, D.C. 20314.

For the Chief of Engineers.

Dated September 18, 1973.

JAMES L. KELLY,
Brigadier General, USA,
Deputy Director of Civil Works.

[FR Doc.73-20192 Filed 9-21-73;8:45 am]

DEPARTMENT OF JUSTICE

Land and Natural Resources Division

ACTION TO ENJOIN DISCHARGE OF POLLUTANTS

Notice of Proposed Consent Judgment

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19020, notice is hereby given that on July 27, 1973, a proposed consent judgment and stipulation in United States v. Wire Rope Corporation of America, Inc. was lodged with the United States District Court for the Western District of Missouri. The proposed decree would establish effluent limitations for discharges from the company's wire rope manufacturing facility at St. Joseph, Missouri.

The Department of Justice will receive for 30 days from the date of publication of this notice written comments relating to the proposed judgment. Comments should be addressed to the United States Attorney, Western District of Missouri, 549 United States Court House, Kansas City, Missouri 64106, and refer to the United States v. Wire Rope Corporation of America, Inc., D.J. Ref. 62-43-8.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Missouri, 549 United States Court House, Kansas City, Missouri, at the Region VII Office of the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri, and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. A copy of the proposed consent judgment and stipulation may be obtained in person or by mail from any of the above offices. In requesting a copy, please enclose a check in the amount of $4.90 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc.73-20206 Filed 9-21-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

List of Additions, Deletions and Corrections

By notice in the FEDERAL REGISTER of February 28, 1973, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 6 (pp. 6084-6086), April 10 (pp. 9095-9097), May 1 (pp. 10745-10748), June 5 (pp. 14770-14777), July 3 (pp. 17744-17749), August 7 (pp. 21278-21284), and September 4 (pp. 23808-23811). Further notice is given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following are corrections to previous listings in the FEDERAL REGISTER:

Georgia

Liberty County

Riceboro vicinity, *Woodmanston Site (LeConte Plantation)*, S of Riceboro.

Louisiana

Caddo Parish

Shreveport, *Lindsay, Colonel Robert H., House (Symphony House)*, 2803 Woodlawn Avenue.

Maryland

Baltimore (independent city)

Federal Hill Historic District, bounded on the N by Hughes Street, on the W by Hanover, on the S by Cross, and on the E by Piers.

Massachusetts

Suffolk County

Boston, *Blackstone Block Historic District*, bounded by Union, Hanover, Blackstone and North streets.

Pennsylvania

Union County

New Berlin, *New Berlin Presbyterian Church (Community Center)*, Vine and High Streets.

South Carolina

Charleston County

Mount Pleasant, *Mount Pleasant Historic District.*

The following properties have been demolished and removed from the National Register:

North Carolina

Richmond County

Rockingham, *Great Falls Mill*, W. Washington and Broad Avenue.

Tennessee

White County

Sparta vicinity, *Lincoln, Jesse, House*, W. of Sparta on Tenn. 26.

The following properties have been added to the National Register since September 4:

Alabama

Covington County

Opp, *Shepard, William T., House,* Poley Road (8–14–73).

Mobile County

Dauphin Island, *Indian Mound Park* (8–14–73).

Mobile, *Spring Hill College Quadrangle,* 4307 Old Shell Road (8–17–73).

Montgomery County

Montgomery vicinity, *Muklassa,* NE. of Montgomery (8–28–73).

California

Alameda County

Oakland, *Paramount Theatre,* 2025 Broadway (8–14–73).

Butte County

Chico vicinity, *Mud Creek Canyon,* N. of Chico (8–14–73).

San Bernardino County

Needles vicinity, *Piute Pass Archeological District,* NW. of Needles (8–14–73).

San Mateo County

Portola Valley, *Casa de Tableta,* 3915 Alpine Road (8–14–73).

Colorado

Clear Creek County

Georgetown, *Grace Episcopal Church,* Taos Street (between 4th and 5th Streets) (8–14–73).

El Paso County

Colorado Springs, *McAllister House,* 423 N. Cascade Avenue (8–14–73).

Delaware

New Castle County

Smyrana vicinity, *Old Brick Store,* NE of Smyrna off U.S. 13 (8–14–73).

District of Columbia

Commandant's Office, Washington Navy Yard. Montgomery Square and Dahlgren Avenue (8–14–73).

Law, Thomas, House, 1252 6th Street, S.W. (8–14–73).

Main Gate, Washington Navy Yard, 8th and M streets, S.E. (8–14–73).

Phillips, Duncan, House, (The Phillips Collection) 1600–1614 21st Street, N.W. (8–14–73).

Quarters A, Washington Navy Yard, E of the Main Gate and S of M Street, S.E. (8–14–73).

Quarters B, Washington Navy Yard, Charles Morris Avenue (8–14–73).

Tucker House and Myers House, 2310–2320 S Street, N.W. (8–14–73).

Florida

Dade County

Florida City, *Florida Pioneer Museum,* 0.5 mile S of Lucy Street on S.R. 27 (Krome Avenue) (8–14–73).

Palm Beach County

Palm Beach, *Breakers Hotel Complex,* South County Road (8–14–73).

Putnam County

Crescent City, *Hubbard House,* 600 N. Park Street (8–14–73).

Volusia County

Port Orange vicinity, *Dunlawton Plantation-Sugar Mill Ruins,* W of Port Orange off Nova Road (8–28–73).

Georgia

Bibb County

Macon, *Baber, Ambrose, House,* 577–587 Walnut Street (8–14–73).

Hall County

Buford vicinity, *Bowman-Pirkle House,* NE of Buford off U.S. 23 on Friendship Road (8–14–73).

Walton County

Monroe, *Davis-Edwards House,* 238 N. Broad Street (8–14–73).

Hawaii

Honolulu County

Honolulu, *U.S. Immigration Office,* 595 Ala Moana Boulevard (8–14–73).

Kahuku vicinity, *Burial Platform,* NW of Kahuku off Kamehameha Highway (8–14–73).

Waimanalo vicinity, *Bellows Field Archeological Area,* SE of Waimanalo (8–14–73).

Illinois

Cook County

Chicago, *Deweo, Francis J., House,* 503 W. Wrightwood (8–14–73).

Chicago, *Marquette Building,* 140 S. Dearborn Street (8–17–73).

Chicago, *Halsted, Ann, House,* 440 Belden (8–17–73).

Glenview, *Kennicott's Grove,* near Milwaukee and Lake Avenues (8–13–73).

Oak Park, *Gale, Walter, House,* 1031 W. Chicago Avenue (8–17–73).

Kane County

Carpentersville, *Library Hall,* 21 N. Washington Street (8–14–73).

White County

Carmi, *Robinson-Stewart House,* 110 S. Main Cross Street (8–17–73).

Indiana

DeKalb County

Auburn vicinity, *Cornell, William, Homestead,* SW of Auburn off Ind. 427, on Cedar Chapel Road (CR 68) (8–14–73).

Harrison County

Corydon, *Corydon Historic District* (8–28–73).

St. Joseph County

Mishawaka, *Beiger House,* 317 Lincolnway East (8–28–73).

South Bend, *Oliver, Joseph D., Residence,* 808 W. Washington Avenue (8–28–73).

Iowa

Johnson County

Iowa City, *First Presbyterian Church,* 26 E. Market Street (8–28–73).

Louisa County

Columbus Junction, *Community Building,* 122 E. Maple Street (8–14–73).

Union County

Creston, *Creston Railroad Depot,* 200 W. Adams Street (8–15–73).

Washington County

Washington, *Young, Alexander, Cabin,* W. Madison Street between G and H avenues (8–14–73).

Kansas

Marion County

Florence, *Harvey House,* 204 W. 3rd Street (8–14–73).

Kentucky

Jefferson County

Louisville, *Christ Church Cathedral,* 421 S. 2nd Street (8–14–73).

Louisville, *Louisville Board of Trade Building,* 301 W. Main Street (8–14–73).

Louisiana

Natchitoches Parish

Natchitoches vicinity, *Cherokee Plantation,* SE. of Natchitoches on Cane River Road (8–14–73).

Rapides Parish

Pineville vicinity, *Old SLU Site,* N. of Pineville at 2500 Shreveport Highway in Kisatchel National Forest (8–14–73).

Maine

Aroostook County

New Sweden vicinity, *Timmerhuset,* W of New Sweden on Me. 161 (8–23–73).

Cumberland County

Portland vicinity, *Fort Gorges,* E of Portland on Hog Island, Portland Harbor (8–28–73).

Franklin County

Farmington, *Free Will Baptist Meetinghouse,* Main Street (8–23–73).

Kennebec County

Monmouth, *Cumston Hall,* Main Street (8–14–73).

York County

Kittery Point, *Pepperrell, William, House,* Pepperrell Cove on Me. 103 (8–14–73).

Maryland

Baltimore County

Pikesville vicinity, *Sudbrook Park,* S of Pikesville off U.S. 140 on Greenwood Road (8–19–73).

Carroll County

Uniontown, *Uniontown Academy,* W side of Uniontown Road (8–14–73).

Harford County

Berkley vicinity, *Rigbie House,* SE of Berkley off Md. 623 (8–14–73).

Churchville vicinity, *Medical Hall Historic District,* W of Churchville off Md. 154 (8–28–73).

Somerset County

Manokin vicinity, *Sadler's Conclusion,* NW of Manokin off Md. 361 (8–22–73).

Massachusetts

Barnstable County

Hyannis Port, **Kennedy Compound,* Irving and Marchant avenues (11–23–72).

Berkshire County

Pittsfield vicinity, *South Mountain Concert Hall,* S of Pittsfield off U.S. 7/20 on New South Mountain Road (8–14–73).

Essex County

Salem, *Chestnut Street District,* bounded roughly by Broad, Flint, Federal, and Summer streets (8–28–73).

Middlesex County

Billerica, *Billerica Town Common District,* bounded by Cummings Street, and Concord and Boston roads (8–14–73).

Billerica, *Sababth Day House*, 20 Andover Road (8–14–73).

Suffolk County

Boston, *Back Bay Historic District*, (8–14–73).
Chelsa, *Naval Hospital Boston*, 1 Broadway (8–14–73).

Michigan

Missaukee County

Boven Earthwork, Southwestern Missaukee County (8–14–73).

Ottawa County

Battle Point Site, Northwest Ottawa County (8–14–73).

Minnesota

Cass County

Pillager vicinity, *Rice Lake Hut Rings*, N of Pillager (8–14–73).

Crow Wing County

Trommald vicinity, *Fort Flatmouth Mound Group*, SE of Cass Lake (8–14–73).

Morrison County

Little Falls vicinity, *Belle Prairie Village Site*, N of Little Falls (8–14–73).

Mississippi

Claiborne County

Russum vicinity, *Centers Creek Mound*, N of Russum (8–14–73).

Marshall County

Abbeville vicinity, *Civil War Earthworks at Tallahatchie Crossing*, off Miss. 7 (8–14–73).

Washington County

Foote vicinity, *Mount Holly*, NW of Foote off Miss. 1 (8–14–73).
Greenville vicinity, *Winterville Site*, N of Greenville (8–17–73).

Nebraska

Cheyenne County

Potter vicinity, *West Stevens Site*, E of Potter (8–28–73).

Colfax County

Schuyler vicinity, *Schuyler Site*, (8–14–73).

Dakota County

Homer vicinity, *Homer Site*, NE of Homer (8–14–73).

Douglas County

Omaha, *Barton, Guy C., House*, 3522 Farnam Street (8–14–73).

Gage County

Blue Springs vicinity, *Blue Springs Site* (8–14–73).

Nance County

Genoa vicinity, *Wright Site* (8–14–73).

Polk County

Osceola vicinity, *Clarks Site* (8–14–73).

Sarpy County

Papillion vicinity, *Kurz Omaha Village* (8–14–73).

Saunders County

Cedar Bluffs vicinity, *Pahuk* (8–14–73).

Sioux County

Crawford vicinity, *Hudson-Meng Bison Kill Site*, in Nebraska National Forest (8–28–73).

New Jersey

Hudson County

Jersey City, *Old Bergen Church*, Bergen and Highland Avenues (8–14–73).

New Mexico

Mora County

Mora, *St. Vrain's Mill*, on N. Mex. 38 (8–28–73).

Quay County

Tucumcari, *Baca-Goodman House*, corner of Aber and 3rd Streets (8–14–73).

Santa Fe County

Santa Cruz, *La Iglesia de Santa Cruz and the site of the Plaza of Santa Cruz de la Canada* (8–17–73).

New York

Montgomery County

Fonda vicinity, *Caughnawaga Indian Village Site*, W. of Fonda (8–28–73).

New York County

New York, *Haughwout, E. V., Building*, 488–492 Broadway (8–28–73).

Oneida County

Boonville, *Erwin Library and Pratt House*, 104 and 106 Schuyler Street (8–14–73).

Orange County

Fort Montgomery vicinity, *Fort Montgomery Site*, S. of Fort Montgomery (8–14–73).

Richmond County

New York, *New Dorp Light*, Altamont Avenue, Staten Island (8–28–73).

Rockland County

Garnerville, *Garner, Henry, Mansion*, 18 Railroad Avenue (8–14–73).

Wayne County

Lyons, *Broad Street-Water Street Historic District* (8–14–73).

North Carolina

Caswell County

Locust Hill vicinity, *Moore House (Stamp's Quarter)*, E. of Locust Hill off U.S. 158 (8–28–73).

Catawba County

Newton vicinity, *Rudisill-Wilson House*, S.W. of Newton off N.C. 10 (8–14–73).

Craven County

New Bern, *Gull Harbor*, 514 E. Front Street (8–14–73).

Cumberland County

Fayetteville, *Liberty Row*, 101–143 Person Street (8–14–73).

Moore County

Pinehurst, *Pinehurst Historic District* (8–14–73).

Ohio

Franklin County

Westerville, *Hart, Gideon, House*, 7328 Hempstead Road (8–14–73).

Hancock County

Findlay, *Hull, Jasper G., House*, 422 W. Sandusky Street (8–14–73).

Lake County

Painesville, *Seeley, Uri, House*, 969 Riverside Drive (8–14–73).
Painesville, *Sessions House (Tuscan House)*, 157 Mentor Avenue (8–14–73).
Unionville, *Connecticut Land Company Office*, 7071 E. Main Street (8–14–73).

Lucas County

Maumee, *First Presbyterian Church of Maumee Chapel*, 200 E. Broadway (8–14–73).

Oklahoma

Canadian County

El Reno vicinity, *Darlington Agency Site*, about 6 miles NW. of El Reno (8–14–73).

Pennsylvania

Delaware County

Upland, *Crozer, George K., Mansion*, 6th Street (8–14–73).

Montgomery County

Lederach vicinity, *Kolb, Dielman, Homestead*, S. of Lederach on Kinsey Road (8–17–73).
Woxall, *Nungesser, Valentine, House*, Skippack Road (8–17–73).

Rhode Island

Washington County

Saunderstown vicinity, *Casey, Silas, Farm*, N. of Saunderstown on R.I. 138 (8–14–73).

South Carolina

Aiken County

Beech Island vicinity, *Fort Moore-Savano Town Site*, NW. of Beech Island (8–14–73).

Beaufort County

Port Royal vicinity, *Hasell Point Site* (8–14–73).
Port Royal vicinity, *Little Barnwell Island*, N. of Port Royal (8–14–73).

Chester County

Chester vicinity, *Fishdam Ford*, SW of Chester off S.C. 72 (also in Union County) (8–14–73).

Union County

Chester vicinity, *Fishdam Ford* (See Chester County).

Tennessee

Davidson County

Nashville, *Hubbard House*, 1109 1st Avenue, South (8–14–73).

Monroe County

Vonore vicinity, *Chota and Tanasi Cherokee Village Sites*, SE of Vonore in Cherokee National Forest (8–30–73).

White County

Sparta vicinity, *Sparta Rock House*, 3 miles E of Sparata on U.S. 70 (8–14–73).

Texas

Bowie County

Texarkana vicinity, *Texarkana Phase Archeological District*, NW of Texarkana (8–14–73).

Montgomery County

Montgomery vicinity, *Kirbee Kiln Site*, S of Montgomery (8–28–73).

Red River County

Blakeney vicinity, *Kaufman, Sam, Site*, N of Blakeney (8–14–73).

Zapata County

San Ygnacio vicinity, *Dolores Viejo*, N of San Ygnacio off U.S. 83 (8–17–73).

Vermont

Bennington County

Arlington vicinity, *Arlington Green Covered Bridge*, W of Arlington off Vt. 313 (8–28–73).
Bennington vicinity, *Bennington Falls Covered Bridge*, NW of Bennington off Vt. 67A (8–28–73).
Bennington vicinity, *Henry Covered Bridge*, NW of Bennington off Vt. 67A (8–28–73).

Bennington vicinity, *Silk Covered Bridge*, NW of Bennington off Vt. 67A (8-28-73).

Windham County

Brattleboro vicinity, *Creamery Covered Bridge*, W of Brattleboro off Vt. 9 (8-28-73).
Green River, *Green River Covered Bridge*, across the Green River (8-28-73).
Newfane vicinity, *Williamsville Covered Bridge*, SW of Newfane at Williamsville (8-14-73).
Townshend vicinity, *Scott Covered Bridge*, W of Townshend off Vt. 30 (8-28-73).

Windsor County

Hartland vicinity, *Martin's Mill Covered Bridge*, S of Hartland off U.S. 5 (8-28-73).
Hartland vicinity, *Willard Covered Bridge*, NE of Hartland off U.S. 5 (8-28-73).
Perkinsville vicinity, *Upper Falls Covered Bridge*, N of Perkinsville off Vt. 131 (8-28-73).
Windsor vicinity, *Bowers Covered Bridge*, W of Windsor (8-28-73).
Woodstock vicinity, *Lincoln Covered Bridge*, SW of Woodstock off U.S. 4 (8-28-73).
Woodstock vicinity, *Taftsville Covered Bridge*, E of Woodstock off U.S. 4 (8-28-73).

Virginia

Albemarle County

Charlottesville vicinity, *Ash Lawn*, SE of Charlottesville off Va. 53 (8-14-73).

Charles City County

Tettington vicinity, *Margots*, NE of Tettington off Va. 621 (8-17-73).

Fauquier County

Delaplane vicinity, *Ashleigh*, S. of Delaplane off U.S. 17 (8-14-73).

Hampton (independent city)

Chesterville Plantation Site, on Langley Air Force Base (8-14-73).

James City County

Toano vicinity, *Stone House Site*, NE. of Toano off Va. 600 (8-14-73).

Loudoun County

Leesburg vicinity, *Exeter*, E. of Leesburg on Edwards Ferry Road (8-14-73).

Middlesex County

Saluda vicinity, *Deer Chase*, SE. of Saluda off Va. 629 (8-14-73).

Orange County

Gordonsville, *Exchange Hotel*, S. Main Street (8-14-73).

Richmond County

Farnham, *Farnham Church*, at intersection of Va. 602 and 692 (8-14-73).

Wise County

Big Stone Gap, *"June Tolliver" House*, on Va. 613 (8-28-73).

Washington

Chelan County

Wenatchee vicinity, *Wenatchee Flat Site*, N. of Wenatchee (8-14-73).

King County

Kirkland, *Kirk, Peter, Building*, 620 Market Street (8-14-73).

Kitsap County

Olalla, *Nelson, Charles F., House*, corner of Nelson and Crescent Valley Roads (8-28-73).

Spokane County

Spokane, *Glover House*, W. 321 8th Avenue (8-14-73).

West Virginia

Greenbrier County

Lewisburg, *Greenbrier County Courthouse and Lewis Spring*, corner of Court and Randolph streets (8-17-73).

Jefferson County

Halltown vicinity, *Beall-Air*, W. of Halltown off U.S. 340 (8-17-73).
Shepherdstown, *Shepherdstown Historic District* (8-17-73).
Shepherdstown vicinity, *Cold Spring*, S. of Shepherdstown off Flowing Springs Road (8-14-73).
Shepherdstown vicinity, *Elmwood*, S. of Shepherdstown on CR 17 (8-17-73).

Wisconsin

Fond du Lac County

Ripon, *Little White Schoolhouse*, SE. corner of Blackburn and Blossom streets (8-14-73).

Oneida County

Rhinelander, *First National Bank*, 8 W. Davenport Street (8-14-73).

Wyoming

Park County

Cody vicinity, *Colter's Hell*, W. of Cody on U.S. 14/16/20 (8-14-73).

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.73-20222 Filed 9-21-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CONSTRUCTION AND OPERATION OF FOREST SERVICE RECREATION CABINS IN ROADLESS AREAS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Construction and Operation of Forest Service Recreation Cabins in Roadless Areas, USDA-FS-DES (Adm) 74-29.

The environmental statement concerns the proposed construction and operation of seven public recreation cabins. The proposed locations are around Revillagigedo Island, Tongass National Forest, Ketchikan Area, near saltwater in roadless areas. The construction of the cabins will be a cooperative project between the USDA, Forest Service, Tongass National Forest, Ketchikan Area, and the Alaska Sports and Wildlife Club, Ketchikan, Alaska 99901, and will expand the existing public recreation cabin system, primarily located on freshwater lakes and streams. The intent of the project is to provide increased opportunity for the public to experience hiking, fishing, beachcombing, sightseeing, hunting, photography, and similar activities in an area not now readily accessible by small boat.

This draft environmental statement was filed with CEQ on September 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave. SW.
Washington, D.C. 20250

USDA, Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99801

Area Manager, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Area Manager, Stikine Area
Tongass National Forest
Federal Building

Area Manager, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Richard M. Wilson, Area Manager, Tongass National Forest, Ketchikan Area, Box 2278, Ketchikan, Alaska 99901.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Richard M. Wilson, Area Manager, Tongass National Forest, Ketchikan Area, Box 2278, Ketchikan, Alaska 99901. Comments must be received by November 2, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-20216 Filed 9-21-73;8:45 am]

Packers and Stockyards Administration

INTERSTATE PRODUCERS LIVESTOCK ASSOCIATION, SULLIVAN, ILLINOIS, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, and location of stockyard	*Date of posting*
IL-157—Interstate Producers Livestock Association, Sullivan, Ill.	Nov. 19, 1959
IA-174—Lawton Sale Barn, Lawton, Iowa.	May 20, 1959

ME-100—Line Road Auction House, Buxton, Maine.	Aug. 4, 1971
MD-103—Barcus Livestock Sales, Centreville, Md.	Dec. 15, 1966
MS-114—Forrest County Livestock Market, Hattiesburg, Miss.	Jan. 6, 1959
NC-136—Iredell Livestock Co., Statesville, N.C.	Apr. 8, 1959
TN-149—Newport Livestock Auction Co., Newport, Tenn.	June 12, 1959
WI-104—Clear Lake Livestock Market, Clear Lake, Wis.	Aug. 30, 1968

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective September 24, 1973.

(42 Stat. 159, as amended and supplemented (7 U.S.C. 181 et seq.).)

Done at Washington, D.C., this 17th day of September 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[FR Doc.73-20215 Filed 9-21-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

APOLLO MARINE SHIPPING CO.

Construction of DWT Tankers

Notice is hereby given that Apollo Marine Shipping Company has filed an application dated September 17, 1973, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for construction-differential subsidy to aid in the construction of three 38,300 DWT, one 89,700 DWT and four 380,000 DWT tankers, a total of eight new tanker vessels to be used in the foreign commerce of the United States.

Interested parties may inspect this application in the office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets NW., Washington, D.C. 20235.

Dated September 18, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-20289 Filed 9-21-73;8:45 am]

BULK LUMBER CARRIERS

Intent To Compute Estimated Cost of Construction

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of the construction of bulk lumber carriers of about 40,000 to 60,000 DWT pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, form or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on October 22, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets NW., Washington, D.C. 20230.

Dated September 18, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-20288 Filed 9-21-73;8:45 am]

[Docket No. S-393]

CHESTNUT SHIPPING CO.

Notice of Application

Notice is hereby given that Chestnut Shipping Company has filed an application for operating-differential subsidy on two (2) tankers (to be constructed) of approximately 89,700 deadweight tons each. Said vessels will operate generally from West Africa to U.S. Atlantic/Gulf ports and may be operated in other worldwide services in the carriage of liquid and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

This application has been submitted in lieu of an operating-differential subsidy application by Chestnut Shipping Company dated July 9, 1973, notice of which appeared in the FEDERAL REGISTER of July 25, 1973 (38 FR 19918), FR Doc. 73-15287.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States is inadequate, must, on or before October 5, 1973 notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated September 19, 1973.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-20287 Filed 9-21-73;8:45 am]

National Oceanic and Atmospheric Administration

PERMITS TO TAKE OR IMPORT MARINE MAMMALS

Instructions for Preparing Application

The following information will be used as the basis for determining whether an application is complete and whether a scientific research or a public display permit should be issued by the Secretary of Commerce. The Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will review all completed applications submitted to them by the Secretary pursuant to § 216.12(b) of the interim regulations (37 FR 28182, December 21, 1972).

An original and four copies of the application are required.

Give complete information. It is to the Applicant's benefit to furnish all required information. Incomplete information may delay processing of the application or even result in its rejection. Only a completed application will be forwarded to the Marine Mammal Commission and the Committee of Scientific Advisors and be noted in the FEDERAL REGISTER. Where questions do not apply so indicate rather than leave blank. Provide a response to each applicable item of the application.

If additional space is needed to provide information the Applicant should prepare an original and four copies of supplemental attachments properly identified by the appropriate item number in these instructions.

Where to Send Application. Send the original and four copies of the completed application to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235. Assistance may be obtained by writing the Director or calling the Law Enforcement and Marine Mammal Protection Division in Washington, D.C. (area code 202), phone number 343-4543.

Instructions for Preparing Application. Provide the following information using separate sheets as needed.

1. Title: As applicable, either—
(1) Application for Public Display Permit Under the Marine Mammal Protection Act of 1972, or
(2) Application for Scientific Research Permit Under the Marine Mammal Protection Act of 1972
2. List the date of the application.
3. If the Applicant is a partnership or a corporate entity set forth the details. If the marine mammal to be taken or imported, or the marine mammal product to be imported, is to be utilized or displayed by a party other than the Applicant, set forth the name of the party and such other information as would be required if such party were an Applicant.
4. Provide a statement on the purpose of the proposed taking or importing, including a brief description of:
(a) The need for the marine mammal(s) and/or marine mammal product(s); and
(b) How they will be used.
5. If the application is for a scientific research permit, provide the following additional information:
(a) A detailed description of the scientific research project or program in which the marine mammal or product thereof is to be used;
(b) A list of the names and addresses of the sponsors or cooperating institutions and the scientists involved;
(c) A copy of the formal research proposal or contract if one has been prepared;
(d) A statement of whether the proposed research has broader significance than the individual researcher's goals (i.e., does the proposed research respond directly or indirectly to recommendations of any national or international scientific body charged with research or management of marine mammals and, if so, how?); and
(e) A description of the arrangements, if any, for the disposition of any dead specimen or its skeleton or other remains, for the continual benefit to science, in a museum or other institutional collection.
6. Describe any marine mammals to be taken or imported, whether for public display or scientific research or any marine mammal products to be imported, including the following:
(a) A list of each species to be taken or imported and the number of each, including the common and scientific name;
(b) A physical description of each animal to be taken or imported, including the age, size, and sex;
(c) A list of the probable dates of capture and importation for each animal and the location of capture and importation, as specifically as possible;
(d) A description of the status of the stock of each species related insofar as possible to the location or area of taking;
(e) A description of the manner of taking for each marine mammal, including the gear to be used;
(f) The name and qualifications of the persons or entity which will capture the animals;
(g) If the capture is to be done by a contractor, a statement as to whether a qualified member of your staff (include name(s) and qualifications) will supervise or observe the capture. Accompany such statement with a copy of the proposed contract;
(h) In the case of imported animals indicate, if known, the management and protection programs of the country from which the animal originates; and
(i) For any marine mammal products to be imported, provide the information sought in this paragraph for all marine mammals from which component parts of such products are derived.
7. Describe the manner of transportation of any marine mammal taken or imported, including:
(a) Mode of transportation;
(b) Name of transportation company;
(c) Length of time in transit for the transfer of the animal(s) from the capture site to the research or display facility;
(d) Length of time in transit for any future move or transfer of the animal(s) that is planned;
(e) The qualifications of the common carrier or agent used for transportation of the animals;
(f) A description of the pen, container, cage, cradle, or other devices used, both to hold the animal at the capture cite and during transportation;
(g) Special care before and during transportation, such as salves, antibiotics, moisture; and
(h) A statement as to whether the animals will be accompanied by a veterinarian or other similarly qualified person, and the qualifications of such person.
8. Describe the contemplated care and maintenance of any mammals sought, including a complete description of the facilities where any such mammals will be maintained or displayed, including:
(a) The dimension of the pools or other holding facilities and the number of animals by species to be held in each;
(b) The water supply, amount, and quality;
(c) The diet, amount and type, for all animals;
(d) Sanitation practices used;
(e) Qualifications and experience of the staff; and
(f) A written certification from a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animal(s) and that in his opinion they are adequate to provide for the well-being of the animal.
9. If the application is for public display, provide a detailed description of the proposed display, including:
(a) A description of the manner, location, and number of times per day and per week the animal(s) will be displayed;
(b) An indication as to whether the display is for profit;
(c) An estimate of the numbers and types of people who it is estimated will benefit by such display;
(d) A list of any educational or scientific programs connected to the contemplated display; and
(e) A description of the Applicant's enterprise and its connections with any governmental, educational, medical, or other scientific entities.
10. If the marine mammal to be taken or imported is listed as an endangered species pursuant to the Endangered Species Act of 1969 or any Act superseding it, or has been designated by the Secretary as depleted, or if the marine mammal product to be imported is composed in whole or in part from such mammal, provide a detailed justification of the need for such mammal(s), or product(s) including a discussion of possible alternatives, whether or not under the control of the Applicant. Please note that pursuant to the Act and interim regulations that no public display permits may be issued for such endangered or depleted species.
11. For the year preceding the date of this application, provide a detailed description of all marine mammal mortalities, including:
(a) A list of all marine mammals captured, transported, maintained, displayed, or utilized for scientific research and/or for all marine mammals caused to be captured, transported, maintained, displayed, or utilized for scientific research, by the Applicant;
(b) The numbers of mortalities among such mammals, by species, by date and location of such mortalities;
(c) The cause(s) of any such mortalities; and
(d) The steps which have been taken by the Applicant to avoid or decrease any such mortalities.
12. A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties provided under the Marine Mammal Protection Act of 1972.

Signature of Applicant

Dated September 19, 1973.

WILLIAM F. ROYCE,
Associate Director of Research.

[FR Doc.73-20218 Filed 9-21-73;8:45 am]

PERMITS TO TAKE OR IMPORT MARINE MAMMALS

Consideration of Permits To Import

The Marine Mammal Protection Act of 1972 provides for a Marine Mammal Commission and a Committee of Scientific Advisors on Marine Mammals to assist the Secretary of Commerce and provide consultation and recommendations to him. Under the Act no permits

to take or import marine mammals or to import marine mammal products for purposes of scientific research or public display may be issued by the Secretary without a review by the Commission and the Committee.

The Commission was appointed on May 14, 1973, and the Committee was appointed on August 7, 1973. Therefore, notice is hereby given that since these entities are available to review applications for permits to take or import marine mammals or to import marine mammal products for purposes of scientific research or public display, such applications will be accepted at this time for consideration by the Secretary. Detailed instructions on how to prepare and file such applications are being published in the FEDERAL REGISTER contemporaneously with this notice.

Effective date.—This notice is effective on September 24, 1973.

Dated September 19, 1973.

WILLIAM F. ROYCE,
Associate Director of Research.

[FR Doc.73-20217 Filed 9-21-73;8:45 am]

Office of the Secretary

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

SEPTEMBER 20, 1973.

The Management-Labor Textile Advisory Committee will meet at 2:00 p.m. on October 2, 1973 in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 40 members representing the industry, trade associations, and trade unions, advises Department officials on conditions in the textile industry and on trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the committee before or after the meeting. To the extent time is available at the end of the meeting the presentation of oral statements will be allowed.

Portions of future meetings which concern subjects not listed above will be open to public participation unless it is determined, in accord with S10(d) of the Federal Advisory Committee Act and the OMB-Justice memorandum on Advisory Committee Management, that specifically identified portions will be closed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-20314 Filed 9-21-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-126; FDAA-400-DR]

NEW BRITAIN TOWNSHIP; PENN.

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Pennsylvania, dated July 18, 1973, and published July 24, 1973 (38 FR 19852); amended July 24, 1973, and published July 31, 1973 (38 FR 20359); and amended August 29, 1973, and published September 6, 1973 (38 FR 24242), is hereby further amended to include the following area among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 17, 1973:

New Britain Township
(within Bucks County)

Assistance for New Britain Township is limited to the incidence period August 2–3, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated September 17, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-20219 Filed 9-21-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

URBAN MASS TRANSPORTATION PROGRAMS

Redelegations of Authority

The purpose of the following notices is to reflect changes in the organization and structure of and redelegations of authority in the Urban Mass Transportation Administration.

Since these changes are solely matters of departmental management, procedures and practices, notice and public procedure thereon is unnecessary, and they may be made effective in less than thirty days after publication in the Federal Register.

Issued in Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20193 Filed 9-21-73;8:45 am]

ASSISTANT ADMINISTRATOR, OFFICE OF PROGRAM DEMONSTRATIONS

Revocation of Redelegation of Authority With Respectto Urban Mass Transportation Program

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), I hereby revoke the delegation of authority to the Assistant Administrator, Office of Program Demonstrations (who will henceforth be designated Associate Administrator for Research and Development), made in 35 FR 10121, June 10, 1970, such revocation to become effective September 10, 1973.

Issued at Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20196 Filed 9-21-73;8:45 am]

ASSISTANT ADMINISTRATOR, OFFICE OF PROGRAM OPERATIONS

Revocation of Redelegation of Authority with Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), I hereby revoke the redelegation of authority to the Assistant Administrator, Office of Program Operations, made in 33 FR 12977, September 13, 1968, such revocation to become effective September 10, 1973.

Issued in Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20195 Filed 9-21-73;8:45 am]

ASSISTANT ADMINISTRATOR FOR PROGRAM PLANNING

Revocation of Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), I hereby revoke the redelegation of authority to the Assistant Administrator for Program Planning (who will henceforth be designated Associate Administrator for Program Planning), made in 36 FR 17527, August 26, 1971, such revocation to become effective September 10, 1973.

Issued in Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Adminnstrator.

[FR Doc.73-20194 Filed 9-21-73;8:45 am]

ASSOCIATE ADMINISTRATOR FOR CAPITAL ASSISTANCE

Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), the Associate Administrator for Capital Assistance is hereby authorized to execute grant contracts and loan agreements and amendments thereto with respect to approved capital grant and loan and advance land acquisition loan projects under sections 3, 4, 7 and 16 of the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. §§ 1602, 1603, 1606, and 1612) and is further authorized, in connection with the administration of such projects, to approve requisitions for funds, third party contracts, and project budget amendments within previously approved limits.

The Associate Administrator for Capital Assistance is further authorized to redelegate to one or more employees under his jurisdiction the authority redelegated herein.

This redelegation becomes effective September 10, 1973.

Issued in Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20199 Filed 9-21-73;8:45 am]

ASSOCIATE ADMINISTRATOR FOR PROGRAM PLANNING

Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), the Associate Administrator for Program Planning is hereby authorized to execute grant contracts and amendments and interagency agreements for approved policy research and planning or evaluation projects under sections 6(a) and 9 of the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. §§ 1605(a) and 1607a) and is further authorized in connection with the administration of such contracts to approve requisitions for funds, third party contracts, and project budget amendments within previously approved limits.

The Associate Administrator for Program Planning is further authorized to redelegate to one or more employees under his jurisdiction the authority redelegated herein.

This redelegation becomes effective September 10, 1973.

Issued at Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20198 Filed 9-21-73;8:45 am]

ASSOCIATE ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT

Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), the Associate Administrator for Research and Development is hereby authorized to execute grant contracts and amendments and interagency agreements for approved research and development projects under section 6(a) and grant contracts and amendments for university research and training projects under section 11 of the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. §§ 1605(a) and 1607c), and is further authorized, in connection with the administration of such contracts, to approve requisitions for funds, third party contracts and project budget amendments within previously approved limits.

The Associate Administrator for Research and Development is further authorized to redelegate to one or more employees under his jurisdiction the authority redelegated herein.

This redelegation becomes effective September 10, 1973.

Issued in Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20201 Filed 9-21-73;8:45 am]

ASSOCIATE ADMINISTRATOR FOR TRANSIT PLANNING

Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), the Associate Administrator for Transit Planning is hereby authorized to execute grant contracts and amendments and inter-agency agreements for approved planning, engineering, architectural, feasibility and operational improvement study projects, and demonstrations of advanced transportation systems and techniques in an operational environment, under sections 6(a), 9, and 16 of the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. §§ 1605(a), 1607(a), and 1612, and is further authorized in connection with the administration of such contracts to approve requisitions for funds, third party contracts, and project budget amendments within previously approved limits.

The Associate Administrator for Transit Planning is further authorized to redelegate to one or more employees under his jurisdiction the authority redelegated herein.

This redelegation becomes effective September 10, 1973.

Issued in Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20200 Filed 9-21-73;8:45 am]

DIRECTOR, OFFICE OF CIVIL RIGHTS AND SERVICE DEVELOPMENT

Revocation of Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), I hereby revoke the redelegation of authority to the Director, Office of Civil Rights and Service Development (who will henceforth be designated as Director of Civil Rights) made in 33 FR 19201, December 18, 1970, such revocation to become effective September 10, 1973.

Issued in Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20197 Filed 9-21-73;8:45 am]

DIRECTOR OF TRANSIT MANAGEMENT

Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50) the Director of Transit Management is hereby authorized to execute grant contracts and amendments and inter-agency agreements for approved research, study, technical assistance, and managerial training fellowship projects under sections 6, 9 and 10 of the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. §§ 1605, 1607a and 1607b), and is further authorized in connection with the administration of such projects to approve requisitions for project funds, third party contracts, and project budget amendments within previously approved limits.

The Director of Transit Management is further authorized to redelegate to one or more employees under his jurisdiction the authority redelegated herein.

This redelegation becomes effective September 10, 1973.

Issued in Washington, D.C., September 7, 1973.

JOHN E. HIRTEN,
Acting Urban Mass Transportation Administrator.

[FR Doc.73-20202 Filed 9-21-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-363]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Availability of Initial Decision of the Atomic Safety and Licensing Board for the Forked River Nuclear Generating Station, Unit 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulation in Appendix D, section A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an Initial Decision dated July 9, 1973, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of a permit to Jersey Central Power and Light Company for construction of Forked River Nuclear Generating Station, Unit 1 located in Ocean County, New Jersey, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753.

The Initial Decision is also being made available at the Division of State and Regional Planning Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, and at the Ocean County Planning Board, Court House Square, Toms River, New Jersey 08753.

The Initial Decision modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Forked River Nuclear Generating Station, Unit 1 prepared by the Commission's Directorate of Licensing. A copy of this final Environmental Statement is also available for public inspection at the above designated locations.

Pursuant to the provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement. As required by section A.11 of Appendix D, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Single copies of the Initial Decision and of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this 18th day of September 1973.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch No. 4 Directorate of Licensing.

[FR Doc.73-20205 Filed 9-21-73;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice and Order for Evidentiary Hearing

The Atomic Energy Commission (the Commission) by its "Notice of hearing on application for construction permit" dated September 21, 1972, ordered a hearing to be held on the application of the Niagara Mohawk Power Corporation for a construction permit for a boiling water reactor designed for initial operation at approximately 3,323 thermal megawatts with a net electrical output of approximately 1,100 megawatts. The proposed facility, designated as the Nine Mile Point Unit No. 2, is to be located at the Applicant's site on the southeast shore of Lake Ontario in the town of Scriba, Oswego County, New York. This hearing will be held pursuant to the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969, and the Regulations in 10 CFR Part 50, Licensing of Production and Utilization Facilities, and 10 CFR Part 2, Rules of Practice.

The hearing will be evidentiary in nature and will be conducted by the Atomic Safety and Licensing Board (the Board) appointed by the Commission on November 15, 1972. This Board consists of Dr. Marvin M. Mann and Dr. William E. Martin as technically qualified members, and Daniel M. Head as chairman.

Prehearing Conferences were held by the Board in Oswego, New York, on January 9, 1973, April 27, 1973, and September 12, 1973, in accordance with the provisions of §§ 2.715(a) and 2.752 of the Commission's rules of practice, 10 CFR Part 2. As a result of these prehearing conferences, the Board permitted intervention by Mrs. Susanne Weber and Ecology Action under 10 CFR 2.714(a) and admitted participation by the State of New York pursuant to the provisions of 10 CFR 2.715(c). In addition, the Board admitted as issues in controversy certain contentions raised by the intervenors.

The evidentiary hearing which is being set by this order will consider the issues in controversy between the parties as well as the issues that have been designated determination by the Board in the Commission's aforementioned "Notice of hearing on application for construction permit."

Please take notice, and *it is hereby ordered,* That the evidentiary hearing in this proceeding is scheduled to begin at 10 a.m., local time, on Wednesday, October 10, 1973, in the City Council Chamber, City Hall, West Oneida Street, Oswego, New York 13126. The hearing shall run continuously until all evidence has been received or until continued by order of this Board.

Members of the public are invited to attend this public hearing and they may request to make limited appearances pursuant to § 2.715(a) of the Commission's Rules of Practice, 10 CFR Part 2. Oral or written statements and questions to be presented by limited appearances will be received prior to the start of the taking of evidence at the hearing.

Issued at Washington, D.C., this 18th day of September 1973.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-20190 Filed 9-21-73;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL.

Order Extending Completion Date

Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company are the holders of Provisional Construction Permit No. CPPR-50, issued by the Commission on August 6, 1968, for the construction of the Kewaunee Nuclear Power Plant, a 1650 megawatt (thermal) pressurized water nuclear reactor, presently under construction at the companies' site in the Town of Carlton, Kewaunee County, Wisconsin.

On July 17, 1973, Wisconsin Public Service Corporation filed a request for an extension of the completion date for the following reason. In December 1972, specific design criteria were issued by the AEC to deal with postulated breaks outside containment in lines carrying high-energy fluids. Meeting these criteria has required very significant modifications to many parts of the plant. The plant, in areas other than those affected by these modifications, is essentially complete, but because of the plant modifications, the overall schedule may be somewhat delayed. Fuel loading is now scheduled in early October. The Director of Regulation having determined that this action involves no significant hazards considerations, that good cause has been shown, and that the requested extension is for a reasonable period, the bases for which are set forth in a memorandum dated August 30, 1973, from R. C. DeYoung to A. Giambusso:

It is hereby ordered that the latest completion date for CPPR-50 is extended from August 31, 1973, to November 20, 1973.

For the Atomic Energy Commission.

Date of issuance September 17, 1973.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-20204 Filed 9-21-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 21991 and 22209]

ALLEGHENY AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing

in the above-entitled proceeding is assigned to be held on November 6, 1973, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Louis W. Sornson.

Dated at Washington, D.C., September 18, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-20285 Filed 9-21-73;8:45 am]

[Docket No. 25857]

GATEWAY AVIATION, LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 16, 1973, at 10:00 a.m. (local time) in Room 1031, Universal North, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 9, 1973.

Dated at Washington, D.C., September 18, 1973.

RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-20286 Filed 7-21-73;8:45 am]

[Docket No. 25856]

HAITI AIR TRANSPORT, S.A.M.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 17, 1973, at 10:00 a.m. (local time) in Room 1031, Universal North, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 10, 1973.

Dated at Washington, D.C., September 18, 1973.

RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-20283 Filed 9-21-73;8:45 am]

[Docket No. 25204]

IU INTERNATIONAL CORP., AND IU FORWARDING, INC.

Acquisition of Control of Airborne Freight Corporation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 30, 1973, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 15, 1973, and the other parties on or before October 23, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 18, 1973.

RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-20284 Filed 9-21-73;8:45 am]

[Docket No. 23333 Agreement CAB 23928]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement and Order Regarding Cargo Rates

SEPTEMBER 17, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at a meeting held in New York on August 16, 1973, between British Overseas Airways Corp., Pan American World Airways, Inc., and Trans World Airlines, Inc. The agreement, relating to import service charges, has been assigned the above CAB agreement number.

The agreement, for intended effectiveness October 1, 1973, amends an attachment to existing resolution 502b and governs terminal service charges on inbound shipments at U.S. airports. The amendment would clarify the existing wording by specifying that an airline shall charge a $2.50 import service fee per carrier airwaybill for providing assistance and/or facilities in presenting a shipment or portions thereof for Customs examination, and/or for opening or closing such packages if required. The previous wording was less clear as to whether such charges could be levied if the carrier did not perform the actual opening and/or closing of the shipment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that Agreement CAB 23928 is adverse to the public interest or in violation of the Act.

Accordingly, *It is ordered*, That:

Agreement CAB 23928 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-20282 Filed 9-21-73;8:45 am]

[Docket No. 25280; Order 73-9-36]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Rates

SEPTEMBER 10, 1973.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Cargo Traffic Conferences held May/June 1973 in Mexico City. Together they comprise those portions of the worldwide cargo rate structure, intended for effectiveness from October 1, 1973, through September 30, 1975, which have only limited application in air transportation as defined by the Act.

General cargo rates over the South Atlantic, and within Traffic Conference 2 (Europe/Africa/Middle East) have indirect application in air transportation as defined by the Act insofar as they are combinable with general cargo rates to/from United States points, and will be approved herein. We will also approve currency surcharge resolutions for these areas, but will disclaim jurisdiction with respect to other resolutions (such as specific commodity rates which are noncombinable) which do not affect air transportation.

Cargo rates within Traffic Conference 3 (Asia/Australia/Australasia), and rates between that area and Conference 2 (Joint Conference 2/3), affect air transportation directly only where rates to/from the U.S. territories and possessions in the Pacific are included. Rates for these U.S. points will be considered concurrently with Board action on the overall transpacific rate agreements,[1] but

[1] By Order 73-9-30 (September 10, 1973), the Board established procedural dates for the receipt of justification, comments and replies with respect to those portions of the Mexico City Agreements directly affecting air transportation.

we will herein approve the TC3 and JT2/3 cargo rate agreements insofar as they involve combinable rates between foreign points, and we will disclaim jurisdiction with respect to non-combinable rates. We will also take similar action with respect to the Mid-Atlantic cargo rate structure, which includes rates to/from San Juan and the U.S. Virgin Islands.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23798			
R-1	001y	TC2 Special Effectiveness Resolution (NEW)	2
R-3	022m	TC2 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).	2
R-6	552	TC2 General Cargo Rates	2
23800			
R-1	001c	Cargo Tie-In Resolution—South Atlantic (NEW)	½ (South Atlantic).
R-3	022L	JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).	½ (South Atlantic).
R-6	554c	South Atlantic General Cargo Rates	½ (South Atlantic).
R-2	001zz	South Atlantic Escape Resolution—Cargo (NEW)	½ (South Atlantic).
R-4	501	Minimum Charges for Cargo—South Atlantic (Revalidating and Amending).	½ (South Atlantic).
R-5	534c	South Atlantic Bulk Unitization Charges (Revalidating and Amending).	½ (South Atlantic).
R-7	590	Specific Commodity Rates Board (Revalidating and Amending).	½ (South Atlantic).
23799			
R-3	200c	Transportation of Human Eyes and Dehydrated Corneas (Re-adopting and Amending).	2/3.
R-6	535	JT23 Bulk Unitization Charges (Revalidating and Amending)	2/3.
R-8	590	Specific Commodity Rates Board (Revalidating and Amending)	2/3.

2. It is not found that the following resolutions, incorporated in the agreements indicated, affect air transportation within the meaning of the Act:

Route	Effective on and after	Rate cents per mile
St. Louis and Kansas City, Mo.	Jan. 16, 1973	79.52
Sheldon and Des Moines, Iowa, via Spencer and Fort Dodge, Iowa.	do	68.21
Chicago, Ill., and Louisville, Ky.	do	62.65
Sioux City and Des Moines, via Carroll, Iowa.	do	55.80
Burlington and Des Moines via Ottumwa, Iowa.	do	51.98
Decorah and Des Moines, via Mason City, Iowa.	do	54.75
Dubuque and Des Moines, via Waterloo, Iowa.	do	52.46
Sioux Falls, S. Dak., and AMF Twin Cities, Minneapolis, Minn., via Windom and Wilmar, Minn.	do	63.83
Alliance and Omaha, via North Platte and Grand Island, Nebr.	do	63.90
AMF Twin Cities, Minneapolis, Minn., and Des Moines, Iowa.	do	103.57
Rolla, Mo., and Harrison, Ark., via Columbia and Kansas City, Mo., and Little Rock and Batesville, Ark.	Jan. 17, 1973	56.00
Shenandoah, Iowa, and Joplin, Mo., via Omaha, Nebr., Des Moines, Iowa, and Kansas City and Springfield, Mo.	Jan. 18, 1973	54.63
Moline, Ill., Cedar Rapids, Iowa, Des Moines, Iowa, St. Louis, Mo., Columbia, Mo., and Kirksville, Mo.	do	52.94
San Angelo and Dallas, via Brownwood, Tex.	Mar. 2, 1973	44.70
Texarkana and Dallas, Tex.	do	59.20
Shreveport, La., Texarkana, Tex., Camden and Little Rock, Ark., and Dallas, Tex.	do	50.55
Longview, Tyler, and Dallas, Tex.	Mar. 5, 1973	59.40
Lufkin and Dallas, via Palestine, Tex.	do	53.27

3. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act to the extent they do not directly apply in air transportation as defined by the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
23774			
R-1	022a	TC3 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).	3
R-2	1151	Meeting Non-IATA Cargo Competition (Revalidating and Amending).	3
R-3	501	Minimum Charges for Cargo (Revalidating and Amending)	3
R-4	553	TC3 General Cargo Rates	3
R-5	590	Specific Commodity Rates Board (Revalidating and Amending)	3
23799			
R-1	001c	Cargo Tie-In Resolution (NEW)	2/3; 1/2/3.
R-2	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).	2/3; 1/2/3.
R-4	501	Minimum Charges for Cargo (Revalidating and Amending)	2/3.
R-5	501	Minimum Charges for Cargo (Except North and Central Pacific) (Revalidating and Amending).	1/2/3.
R-7	555	JT23 and JT123 General Cargo Rates	2/3; 1/2/3.
23819			
R-1	001c	Cargo Tie-In Resolution—Mid-Atlantic (NEW)	½ (Middle Atlantic).
R-2	022k	JT12 (Mid-Atlantic) Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).	½ (Middle Atlantic).
R-3	501	Minimum Charges for Cargo—Mid-Atlantic (Revalidating and Amending).	½ (Middle Atlantic).
R-4	534b	Mid-Atlantic Bulk Unitization Charges (Revalidating and Amending).	½ (Middle Atlantic).
R-5	554b	Mid-Atlantic General Cargo Rates	½ (Middle Atlantic).
R-6	590	Specific Commodity Rates Board (Revalidating and Amending).	½ (Middle Atlantic).

Accordingly, It is ordered, That: 1. Those portions of Agreements C.A.B. 23798 and C.A.B. 23800 described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved;

2. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreements C.A.B. 23798, C.A.B. 23800 and C.A.B. 23799 described in finding paragraph 2 above;

3. Those portions of Agreements C.A.B. 23774, C.A.B. 23799, and C.A.B. 23819 described in finding paragraph 3 above be and hereby are approved to the extent they have no direct application in air transportation as defined by the Act, subject, where applicable, to conditions previously imposed by the Board; and

4. Action be and hereby is deferred with respect to those portions of Agreements C.A.B. 23774, C.A.B. 23799, and C.A.B. 23819 described in finding paragraph 3 above to the extent they have direct application in air transportation as defined by the Act.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-20161 Filed 9-21-73;8:45 am]

[Docket No. 25119 etc.; Order 73-9-51]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Service Mail Rates; Order To Show Cause

SEPTEMBER 12, 1973.

Dockets Nos. 25119, 25120, 25121, 25122, 25123, 25124, 25125, 25126, 25127, 25128, 25131, 25133, 25134, 25269, 25270, 25271, 25285, 25286.

Final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as shown by the Appendix were established by the Board and are currently in effect for Sedalia, Marshall, Boonville Stage Line, Inc. (Sedalia), an air taxi operating pursuant to 14 CFR, Part 298.

As set forth in the Appendix,[2] Sedalia petitioned the Board to reopen its current service mail rates and fix new final service mail rates per great circle aircraft mile.

On July 11, 1973, the Postal Service filed a late reply with petition to the Board for leave to file a late document, which is granted. The reply stated that the parties had come to an agreement and supported the rates set forth in the Appendix.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition and other matters officially mentioned, it is proposed to issue an order[1] to include the following findings and conclusions:

It is ordered, That: 1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Texas International Airlines, Inc., Ozark Air Lines, Inc., Frontier Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within ten days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within ten days after service of this Order, or if notice is filed and answer is not filed within 30 days after service of this Order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Ozark Air Lines, Inc., Frontier Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Texas International Airlines, Inc., and United Air Lines, Inc.

The fair and reasonable final service mail rates to be paid, on and after effective dates indicated, to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be the rates per great circle aircraft mile based on five round trips per week as set forth below:

Agreement C.A.B. 23798	IATA No.	Title	Application
R-2	600a	Procedures for Changes to Rates and Conditions within Scandinavia (NEW).	2
R-4	601	Minimum Charges for Cargo (Revalidating and Amending)	2
R-5	621c	Shipper Packed Unit Rates (NEW)	2
R-7	600	Specific Commodity Rates Board (Revalidating and Amending)	2

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-20162 Filed 9-21-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CONNECTICUT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut State Advisory Committee to this Commission will convene at 8:00 p.m. on September 26, 1973, at the Holiday Inn, 900 East Main Street, Meriden, Connecticut 06450.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to receive status reports from all Connecticut State Advisory Committee Subcommittees.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated a Washington, D.C., September 17, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-20267 Filed 9-21-73;8:45 am]

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee to this Commission will convene at 9 a.m. on Septembr 29, 1973, at the Holiday Inn, 800 East 81 Avenue, Merrillville, Indiana 46410.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be (1) to review a proposal to conduct a study on the Migrant labor force in In-

[2] Filed as part of original document.

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will apply to final action taken to by the staff under authority delegated in § 385.16(g).

diana and (2) to discuss current developments regarding conditions in Indiana prisons.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 17, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-20268 Filed 9-21-73;8:45 am]

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee to this Commission will convene at 7:00 p.m. on September 25, 1973, at the Newman Center, Orono, Maine 04473.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to conduct the 1973 annual meeting of the Maine State Advisory Committee at which time there will be a review of all Committee activities held during the past twelve months.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 17, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-20269 Filed 9-21-73;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania State Advisory Committee will convene at 2:00 p.m. on September 25, 1973, in Room 1244, Treaty Room, 6 Penn Center, Philadelphia, Pennsylvania 19103.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission in Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss the role and functions of the State Advisory Committees, and to discuss proposed programs to be undertaken by the Pennsylvania State Advisory Committee during the balance of FY '74.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 13, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-20117 Filed 9-21-73;8:45 am]

CIVIL SERVICE COMMISSION

VETERINARIAN, WORLDWIDE

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 1121, the Civil Service Commission has increased special minimum salary rates and rate ranges as follows:

GS-701 VETERINARIAN

Geographic coverage: World-wide
Effective date: First day of the first pay period beginning on or after September 30, 1973

(Per Annum Rates)

Grade	1	2	3	4	5	6	7	8	9	10
GS-9	$13,162	$13,549	$13,936	$14,323	$14,710	$15,097	$15,484	$15,871	$16,258	$16,645

All new employees in the specified occupational level will be hired at the minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the roles in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

(This special rate schedule for computer purposes is designated as Table No. 400.)

[FR Doc.73-20210 Filed 9-21-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COSTA RICA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 19, 1973.

On September 17, 1973, the United States Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Costa Rica that it was renewing for an additional twelve-month period beginning October 1, 1973 and extending through September 30, 1974, the restraint on imports into the United States of cotton textile products in Category 53, produced or manufactured in Costa Rica. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement, the level of restraint for this twelve-month period is five (5) percent greater than the level of restraint applicable to this category for the preceding twelve-month period.

There is published below a letter of September 19, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amount of cotton textile products in Category 53, produced or manufactured in Costa Rica, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning October 1, 1973, be limited to 32,414 dozen.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

SEPTEMBER 19, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1973 and for the twelve-month period extending through September 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 53, produced or manufactured in Costa Rica, in excess of a level of restraint for the period of 32,414 dozen.

In carrying out this directive, entries of cotton textile products in Category 53, produced or manufactured in Costa Rica, which have been exported to the United States from Costa Rica prior to October 1, 1973, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period October 1, 1972 through September 30, 1973. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

A detailed description of Category 53 in terms of TSUSA numbers was published in the Federal Register on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Costa Rica and with respect to imports of cotton textiles and cotton textile products from Costa Rica have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-20305 Filed 9-21-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8360]

ALABAMA POWER CO.

Notice of Filing of Petition for Declaratory Order

SEPTEMBER 18, 1973.

Take notice that on August 13, 1973, Alabama Power Company (Petitioner) petitioned the Commission pursuant to sections 202, 205, 206, 307 and 309 of the Federal Power Act and § 1.7(c) of the regulations issued thereunder, to issue a declaratory order adjudicating a controversy between petitioner and Alabama Electric Cooperative (Cooperative) over proper calculation of the fuel cost adjustment factor provided for in the interconnection agreement between the parties, accepted for filing June 22, 1972 and designated FPC Rate Schedule No. 133. The dispute pertains to controverted inclusion of a transmission loss factor in fuel cost adjustment computations, with petitioner claiming proper entitlement to $755.97 witheld by the Cooperative upon its own recalculation of fuel adjustment unit price for electric service rendered in June, 1973. Petitioner asks the Commission to take jurisdiction herein and set this matter for hearing to determine matters raised hereby.

Any person wishing to be heard or to make any protests with reference to this petition should on or before October 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. This petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20238 Filed 9-21-73;8:45 am]

[Docket No. RP74-10]

ARKANSAS LOUISIANA GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

SEPTEMBER 18, 1973.

Take notice that Arkansas Louisiana Gas Company (Arkansas), on August 30, 1973, tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 3. According to Arkansas, the proposed changes would increase revenues from jurisdictional sales and service by approximately $330 based on the 12 month period ending September 30, 1974, as adjusted.

Arkansas states that the reason for the proposed changes are that a routine periodic price escalation has occurred under a field sale contract covering small volumes of gas attributable to minor interests in wells in the Bryans Mill Field, Cass County, Texas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20229 Filed 9-21-73;8:45 am]

[Docket No. CI74-169]

ATLANTIC RICHFIELD CO.

Notice of Application

SEPTEMBER 18, 1973.

Take notice that on September 10, 1973, Atlantic Richfield Company (Applicant), P.O. Box 2819, Dallas, Texas 75221, filed in Docket No. CI74-169 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from acreage in Pecos County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on August 30, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 60,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20237 Filed 9-21-73;8:45 am]

[Docket No. CP73-307]

BROCKTON TAUNTON GAS CO.

Order Amending Order Authorizing Importation of Liquefied Natural Gas

SEPTEMBER 14, 1973.

On August 10, 1973, Brockton Taunton Gas Company (Petitioner) filed in Docket No. CP73-307 a petition to amend the order authorizing the importation of liquefied natural gas (LNG) pursuant to section 3 of the Natural Gas Act by extending the time in which Petitioner may import LNG purchases from Gaz Metropolitain, Inc., Montreal, P.Q., Canada, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by order issued July 31, 1973, in the instant docket to import 4,583,440 U.S. gallons of LNG at 12.742 cents per U.S. gallon, equivalent

to approximately 400 billion Btu at a price of $1.46 per million Btu between June 15, 1973, and September 15, 1973.

As a result of a delay in commencement of deliveries, Petitioner now proposes to complete the authorized importation and to transport said quantities of LNG to its storage facilities at Easton, Massachusetts, by October 31, 1973, in lieu of the September 15, 1973, deadline.

The Commission finds

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and to amend the order authorizing the importation of liquefied natural gas as hereinafter ordered.

The Commission orders

(A) The order authorizing the importation of liquefied natural gas in Docket No. CP73-307 is amended by extending the term of the authorization from September 15, 1973, to October 31, 1973.

(B) In all other respects said order shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20239 Filed 9-21-73;8:45 am]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Changes in Service Agreements

SEPTEMBER 19, 1973.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on August 30, 1973, tendered for filing 16 revised service agreements between CIG and certain of its existing jurisdictional customers. These revised service agreements provide for various changes in peak day demand and annual or seasonal volumes, plus other minor revisions, to become effective on October 1, 1973.

Copies of the filing were mailed to each of the customers for which a revised service agreement was filed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or bfore September 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20226 Filed 9-21-73;8:45 am]

[Docket No. E-8377]

CONSOLIDATED EDISON CO.

Notice of Termination

SEPTEMBER 18, 1973.

Take notice that on August 28, 1973, Consolidated Edison Company of New York, Inc. (Consolidated) tendered for filing notice that its Rate Schedule F.P.C. No. 26, effective April 30, 1972, terminated on October 28, 1972.

Consolidated states that pursuant to section 3 of the Rate Schedule, its term ended on October 28, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants partis to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20230 Filed 9-21-73;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 17, 1973.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on August 27, 1973, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause which provides for increased rates to become effective October 1, 1973. The proposed rate increase would generate approximately $710,000 in additional jurisdictional revenues, annually.

Consolidated states that the proposed rates reflect an increase in rates from Transcontinental Gas Pipe Line Corporation (Transco), filed on August 15, 1973, to become effective October 1, 1973. Consolidated states further that since it did not receive notice of Transco's increase in sufficient time to make a timely filing, it is requesting a waiver of the 45-day notice requirement of rate change contained in its PGA clause and any other of the Commission's rules and regulations as may be required to permit the proposed rates to become effective on October 1, 1973.

Copies of the filing were served upon Consolidated's jurisdictional customers, and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20225 Filed 9-21-73;8:45 am]

[Docket No. E-8314]

DUKE POWER COMMISSION

Notice of Application

SEPTEMBER 18, 1973.

Take notice that on July 12, 1973, Duke Power Company (Applicant) tendered for filing, pursuant to Section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a Supplemental Contract dated June 20, 1973, to an original contract and supplement thereto with the United States Government acting by and through the Southeastern Power Administration. The original contract dated December 16, 1963 was designated Rate Schedule FPC No. 130 and took effect December 20, 1963, while the supplement thereto was designated Supplement No. 2 to Rate Schedule FPC No. 130 and became effective November 20, 1966. The Supplemental Contract notice hereby extends the present expiration date for five years to midnight, July 20, 1978, effective July 20, 1973.

Any person wishing to be heard or to make any protests with reference to such Application should, on or before October 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20240 Filed 9-21-73;8:45 am]

[Docket N. R-463]

FILING OF ELECTRIC SERVICE TARIFF CHANGES

Order Denying Applications for Rehearing

SEPTEMBER 14, 1973.

On July 17, 1973, the Commission issued Order No. 487 amending § 35.13 of its Regulations under the Federal Power Act to require, inter alia, all electric utilities that apply for rate increases to file unadjusted cost of service data for the most recent twelve consecutive months of actual experience (Period I) and to file estimated cost data for any twelve consecutive month period beginning after period I but no later than the date on which the new rates become effective (Period III). Period II is the test period and is voluntary for electric utilities with applications for increases less than one million dollars. In addition, Order No. 487 requires that electric utilities file workpapers in support of its case.

Order No. 487 was issued as a result of the notice of proposed rulemaking in Docket No. R-463 (37 FR 28195 December 21, 1972) requesting comments on the proposal.

On August 16, 1973, Consumer Owned Systems (Consumers)[1] and the American Public Power Association (APPA) filed separate applications for rehearing of Order No. 487.[2] Consumers and APPA allege that the Commission has not shown how Order No. 487 will meet the objections set forth in that order; the Commission made no attempt to explain how the departure from actual cost ratemaking will lead to data better suited for determining rates; the rulemaking will facilitate a price squeeze by a utility; the rulemaking is inconsistent with the Phase IV of the Economic Stabilization Program; the differences between Order No. 488 issued on July 17, 1973, in Docket No. R-464 as to utilizing year end rate base for natural gas as companies and Order No. 487 discriminates against wholesale customers of electric utilities; the order established no guidelines for the future test period data.

Also on August 16, 1973, the Cities of Bedford, et al., (Cities)[3] filed an application for rehearing of Order No. 487. In support of their application Cities maintain that the regulations under Order No. 488 (the Natural Gas Act) and Order No. 487 (Federal Power Act) are not "essentially the same"; the Commission's assurance of due process safeguard are without merit; the legal authority for use of future test period data is doubtful; and Order No. 487 violates due process principles.

In addition, on August 16, 1973, Congressman Michael J. Harrington filed a formal application for rehearing. In support of his application Congressman Harrington claims Order No. 487 is not in the public interest and will result in prolonged rate cases. Congressman Harrington also urged consideration of the alternative proposal filed by APPA on June 5, 1973.

In Order No. 487 we stated that the goal of the future test period is to enable us to determine rates for the future based on the costs of service during the period in which the rates are in effect. To the extent the applications for rehearing object to the principle of a future test period they raise no issues or facts not previously considered or warrant modification of Order No. 487.

As to the contention that the test period in Order No. 487 is different than the test period in Order No. 488, we agree. What is important however is that in substantive import the test periods are similar. Under the Natural Gas Act, we have jurisdiction to certificate new plant facilities and therefore the issue as to new facilities is an issue before us in a certificate proceeding. Therefore, a future test period as set forth in Order No. 487 would be improper for gas pipelines since it would be tantamount to prejudgment of Commission action on certification of the facilities. On the other hand, we have no jurisdiction under Parts II and III of the Federal Power Act to certificate electric plant facilities and therefore do not have the same constraint on data we may consider in determining just and reasonable rates.

Moreover, the existing regulations under the Natural Gas Act preclude inclusion of non-certificated facilities in rate base. There is no such limitation in the Regulations under the Federal Power Act since we have no certification authority over electric facilities.

The argument that use of future test period data is contrary to court preference for actual data misconceives the the essence of the rulemaking. By requiring actual and estimated data to be filed we provide for a means by which estimates can be compared to actual experience in arriving at the rates to be set for the future. In addition, as we noted in the order, the burden is on the applicant to support the estimated costs. If such estimates can be shown through discovery or cross-examination to be excessive, too speculative or conjectural, their appropriateness will be questioned. None of the cases cited by APPA or Consumers hold that fully supported cost estimates cannot be used in ratemaking.

APPA and Consumers allege that the future test period will facilitate price squeezes. Such an issue, if raised by a filing, cannot be dealt with summarily in a rulemaking and would require development at an evidentiary hearing.

The manner in which estimates are to be filed is set forth in Order No. 487 (mimeo page 9) along with workpapers. We see no reason to dictate by what method estimates will be determined since we believe this is a question of fact to be developed in a hearing. As to the claim that a detailed description of workpapers is required, we disagree. The workpapers to be filed reflect the data on the specific statements required by § 35.13b(iii) and (iii) of the regulations, therefore further detail is not required. If further information is required it may be obtained through discovery.

Cities contend that the holding in "Mobil Oil Corp. v. F.P.C.," (Slip Opinion No. 72-1471) (July 11, 1973) (Mobil) makes our issuance of Order No. 487 somehow invalid and violative of due process. Based upon our review of Mobil we do not agree with Cities contention and believe due process has been afforded. In "Mobil" the Court was faced with a rulemaking proceeding in which a rate was established. Here, no rate has been established, only filing requirements have been changed and a new test period designated.

Contrary to the assumption of Cities, (Application Page 10) there is no requirement in section 553 of the Administrative Procedure Act or in "Mobil" which requires the Commission to hold a hearing or permit cross examination or oral argument when the Commission is establishing a procedural rule of general applicability such as Order No. 487.[4] Cities claim that Order No. 487 will be detrimental to wholesale customers and that such customers have thereby been harmed is unsubstantiated and without merit. Cities also argues that the Commission is required to give the opportunity to show "the impossibility of private electric companies making accurate future estimates." (Application Page 12). Cities will have the opportunity to make such a showing in the context of a rate increase filing.

Some applicants question the reference to "El Paso Natural Gas Company v. F.P.C.,"[5] in our prior order and its applicability to this proceeding. That case was cited only for the proposition that the test period approach to rulemaking has been affirmed and that the formulation of a test period is a matter within the Commission's discretion and is not to be overturned unless it plainly contravenes the statutory scheme.

Arguments raised in the applications for rehearing not considered above raise no new issues or facts not previously considered or which warrant modification of the prior order.

The Commission finds

For the reasons set forth above the Applications for Rehearing by APPA, Consumers, Cities and Congressman Harrington should be denied.

The Commission orders

The above described Applications for Rehearing are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20259 Filed 9-21-73;8:45 am]

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[1] See Appendix A for list of consumer owned systems.

[2] Both applications are, in substantial part, identical.

[3] See Appendix for other cities.

[4] CF. Phillips Petroleum Co. v. F.P.C., 475 F2d 842 (10th Cir. 1973).

[5] 449 F.2d 1245 (CA5 1971)

[Docket No. R-464]

FILING OF NATURAL GAS TARIFF CHANGES

Order Denying Rehearing

SEPTEMBER 14, 1973.

On August 16, 1973, El Paso Natural Gas Company (El Paso) filed a petition seeking rehearing of our Order No. 488, issued in Docket No. R-464 on July 17, 1973.

El Paso requests that the Commission renotice its requirements set out in paragraph 4 of revised Statement O. El Paso states that in Order No. 488, the Commission imposed new requirements which were not specified in the notice of proposed rulemaking and which impose an additional burden on the Company. Specifically, El Paso objects to the requirement that the digest of contractual provisions with individual producers include "estimated peak day deliverability for reserves dedicated under each contract as well as contemplated swings between sources of supply". (Order No. 488, p. 17.)

El Paso also seeks clarification of revised Statement O as regards which contracts must be reported—all contracts with a producer who supplies over 1.0 billion cubic feet (BCF) per year or only individual contracts for deliveries in excess of 1 BCF per year. Also, El Paso has expressed concern about the meaning of the term "swing", used in Order No. 488.

Finally El Paso seeks a postponement of the effective date of Order No. 488 until January 1, 1974, to allow time for the reporting companies to prepare the data and to permit action on the matters raised in its petition.

We fail to see how paragraph (4) of Statement O, as finally adopted, represents "an entirely new subject not set forth in the Commission notice of proposed rulemaking * * *" (Petition pg. 4). As El Paso correctly points out, we indicated in the notice that we were seeking a digest of contractual provisions relative to pricing, volumes (both minimum and maximum obligations) and terms. Clearly, we expressed our intent to obtain as complete a compilation as possible relative to volumes. An estimate of peak day deliverability relates anticipated operations to the contractual provisions. This gives the Commission and its staff a better understanding of the pipeline company's view of actual potential versus contractual entitlements. Obviously, it is meaningless to have contractual data which does not reflect the Company's anticipated operations as reflected in other portions of the rate increase filing.

El Paso also requests clarification of the term "swing" as used in Order No. 488. No meaningful analysis can be made of the deliverability of a pipeline company without an analysis of the flexibility afforded by individual contracts, and the shifts in takes under those contracts as reflected in the rate increase filing. Pipeline companies are required by Section 154.63 of the Regulations to file test year sales volumes and revenues under Statement G and the associated purchased gas costs under Schedule H(1)-3 of Statement H. In preparing its estimated test year sales and purchased gas cost it is necessary for the pipeline company to determine where it has the flexibility to increase takes under certain contracts and cut back on others. We recognize that contractual provisions are not always controlling since capacity limitations as well as the existence of other pipelines in the area are important considerations. What we are requiring in Statement O is an explanation of the level of takes under individual contracts during different times of the year as reflected in other portions of the filing. As regards the additional point of clarification raised by El Paso, the ordering language of R-488 presents the correct requirement as to which contracts must be reported. The requirement is that all contracts with producer suppliers who deliver in excess of 1.0 billion cubic feet annually must be reported.

Finally, El Paso requests a postponement of the effective date of our Order No. 488 to afford the affected parties a reasonable period of time to develop the new information and to permit action on the matters raised in its petition. As we have stated, we fail to see how any pipeline company preparing a rate increase filing would not have the requested information available to it. Furthermore, we note that El Paso's general rate increase filings in Docket No. RP73-104 and RP73-109 are not subject to this rulemaking since they were filed before July 17, 1973. We fail to see the justification for granting El Paso's request for an extension of the effective date.

The Commission finds

El Paso's Application for Rehearing raises no new issues of fact or law not already considered by us or which would warrant an amendment of Order No. 488.

The Commission orders

El Paso's Petition, filed on August 16, 1973, is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20260 Filed 9-21-73;8:45 am]

[Docket No. E-8340]

FLORIDA POWER CORP.

Notice of Applications

SEPTEMBER 18, 1973.

Take notice that on July 27, 1973, Florida Power Corporation (Applicant) tendered for filing, pursuant to Section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, an interconnection agreement executed July 2, 1973, with the City of Gainesville, Florida pursuant to the Supreme Court's ruling in "Gainesville Utilities Department v. Florida Power Corporation", 402 U.S. 515 (1971). The provisions of the agreement, to take effect July 2, 1973, accord with the Commission's order issued November 5, 1968 (Opinion No. 550 in Docket No. E-7257), excepting the parties' agreement to (1) certain modifications of physical facilities, and (2) exclusion of any provision permitting recovery of annual costs of frequency regulation for Applicant's control area.

Applicant additionally files letters of commitment for limited term purchases of firm power by the Cities of Wauchula (1,500 kw for the period commencing June 25, 1973, and terminating September 30, 1974), Tallahassee (from 40,000 to 50,000 kw for the period May 1, 1975 to October 1, 1975; from 75,000 to 90,000 kw for the period April 1, 1976, to March 31, 1977; 130,000 kw for the period from the later of the commercial operation date of the New Hopkin's No. 2 Generating Unit or April 1, 1977, to March 31, 1978; and 90,000 kw for the period from April 1, 1978, to March 31, 1979), and Kissimmee and St. Cloud (10,000 kw from February 15, 1973 to May 1, 1974).

Applicant files a contract dated October 10, 1972, supplemental to Rate Schedule FPC No. 70, providing for the sale by Tampa Electric Company of 200 megawatts of firm capacity from April 1, 1973, through September 30, 1973, and December 1, 1973, through March 31, 1974, the quantity of the sale falling to 100 megawatts for the intervening period October 1, 1973, through November 30, 1973.

Also tendered for filing are:

(1) An amendment dated November 14, 1972, to Applicant's interconnection agreement with Tallahassee (Rate Schedule FPC No. 70), providing for additional facilities and establishment by negotiation of demand charge for firm service; (2) a letter of commitment dated November 14, 1972, with Tallahassee for construction of additional 230 kv facilities; and, (3) an amendment dated October 10, 1972, to Applicant's purchase contract with Tampa Electric Company (Rate Schedule FPC No. 70), extending the term thereof until April 1, 1973.

Any person wishing to be heard or to make any protests with reference to such Applications should, on or before October 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20241 Filed 9-21-73;8:45 am]

[Docket No. E-8008]

FLORIDA POWER & LIGHT CO.

Notice of Extension of Time and Postponement of Prehearing Conference

SEPTEMBER 14, 1973.

On September 13, 1973, Florida Power & Light Company filed a motion for revision of procedural dates as fixed by order issued on May 31, 1973, in the above-designated matter. The motion states that counsel for intervener joins in the request and that Staff Counsel has no objection.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Prehearing Conference, September 20, 1973, 10:00 a.m., e.d.t.
Intervenors' Testimony and Exhibits, October 1, 1973.
FP&L's Rebuttal Testimony, October, 15, 1973.
Cross-examination, October 23, 1973, 10:00 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20242 Filed 9-21-73;8:45 am]

[Project No. 1218]

GEORGIA POWER CO.

Notice of Issuance of Annual License

SEPTEMBER 14, 1973.

On February 26, 1970, Georgia Power Company, Licensee for Flint River Project No. 1218 located on Flint River in Dougherty and Lee Counties, Georgia, near the City of Albany, filed an application for a new license under § 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 1218 was issued effective January 1, 1933, for a period ending September 16, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission's action thereon, it is appropriate and in the public interest to issue an annual license to Georgia Power Company for continued operation and maintenance of Project No. 1218.

Take notice that an annual license is issued to Georgia Power Company (Licensee) under section 15 of the Federal Power Act for the period September 17, 1973, to September 16, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Flint River Project No. 1218, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20243 Filed 9-21-73;8:45 am]

[Docket No. E-8306]

GULF POWER CO.

Notice of Application

SEPTEMBER 14, 1973.

Take notice that on June 25, 1973, Gulf Power Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Commission's rules, a Wholesale Electric Service Contract and original supplement thereto with Gulf Coast Electric Cooperative, dated May 30, 1973. Service under the agreement commenced July 1, 1972, with a delivery voltage of 46,000 volts and capacity of 12,000 kVA.

Any person wishing to be heard or to make any protests with reference to such Application should, on or before September 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20244 Filed 9-21-73;8:45 am]

[Docket No. E-8153]

ILLINOIS POWER CO.

Order Accepting for Filing and Suspending Rates

SEPTEMBER 17, 1973.

Illinois Power Company (IP) by letter dated April 18, 1973, submitted for filing an Interconnection Agreement dated March 30, 1973, between itself and Central Illinois Light Company (CILCO). Said filing was completed on August 16, 1973. The tendered filing provides an increase in the rate for emergency energy and revises other services classifications and the rates and charges therefore.

The proposed agreement provides for IP and CILCO to each maintain reserve capacity of at least (1) 15 percent of such party's highest adjusted demand, or (2) 50 percent of the accredited capacity of such party's largest single generating source, or (3) 50 percent of such party's largest non-firm power purchase, whichever is greater. The proposed agreement incorporates Service Scheduled A through F which specify classifications of service and rates therefor as follows:

(A) Firm Power and Participation (unit) Power—to be negotiated by separate agreement.

(B) Emergency Energy—17.5 mills/kWh or 110% of out-of-pocket costs, whichever is greater.

(C) Maintenance Power—8¢/kW per day or 40¢/kW per week (less 8¢/kW per day up to 40¢/kW per week for each kW curtailed by the supplier), Maintenance Energy—110% of out-of-pocket costs; or at the option of the supplying party, maintenance power and energy may be settled for by the return of equivalent power and energy.

(D) Economy Energy—priced on a split-the-savings basis, Non-Displacemen (surplus) Energy—negotiated rate, but not less than supplier's incremental cost plus 0.5 mill/kWh.

(E) Short-Term Firm Power—10¢/kW per day or 50¢/kW per week, associated energy is billed at 110 percent of out-of-pocket costs.

(F) Short-Term Non-Firm—8¢/kW per day or 40¢/kW per week (less 8¢/kW per day up to 40¢/kW per week for each kW curtailed by the supplier); associated energy is billed at 110 percent of out-of-pocket costs.

Out-of-pocket costs are based on the costs of fuel, labor, maintenance and operation supplies (including start-up costs, if any), purchased energy, losses in transmission and transformation, including all other factors that are a part of incremental costs.

The proposed agreement contains a tax clause and provision for interest to accrue on past due amounts at a rate equal to the prime rate of Continental Illinois National Bank and Trust Company of Chicago.

As maintenance energy was billed at 110 percent of out-of-pocket costs, the added 10 percent was about .53 mill/kW with respect to the sale by CIL, while the added 10 percent was about 1.3 mills/kWh with respect to the sale by IP. In light of such difference, IP was requested to explain the cost basis of the 10 percent adder. IP responded that the 10 percent adder was designed to cover administrative costs and provide a reasonable margin of profit. IP further stated that variations in out-of-pocket costs are anticipated but that over an extended period of time, out-of-pocket costs should reflect average costs. In the case of the cited sale of maintenance energy, IP explained that forced outages of large generating units resulted in abnormally high costs.

The Commission is unable to accept as sufficient IP's support for the 10 percent adder. The Commission therefore, deems it appropriate to suspend the tendered filing for 1 day and order a hearing to determine the validity of the proposed addition of 10 percent to out-of-pocket costs as provided in the tendered rate filings.

The Commission finds

(1) It is necessary and proper and in the public interest for the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates of charges contained in the proposed filing in this docket, and that the tendered rates be suspended as hereinafter provided.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, a public hearing shall be heard, commencing with a prehearing conference on November 1, 1973, at 10:00 a.m. in a hearing room at the Federal Power Commission, 825 North Capitol St. NE., Washington, D.C. 20426, concerning the lawfulness of the rates,

charges, classifications and services contained in the rate filings subject to this Docket.

(B) Pending hearing and a final decision in this proceeding, the proposed rate schedules in this Docket are hereby accepted for filing as of September 15, 1973, suspended and the use thereof deferred until September 16, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20245 Filed 9-21-73;8:45 am]

[Docket No. RP74-11]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Proposed Changes in FPC Gas Tariff

SEPTEMBER 17, 1973.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), on August 31, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1.

According to Kansas-Nebraska, Original Sheet No. 24D; First Revised Sheet Nos. 8, 8B, 15B, 23, 24B, and 24C; Second Revised Sheet Nos. 15, 24A and PGA-1; Third Revised Sheet Nos. 6, 7, and 14 and Fourth Revised Sheet Nos. 5, 9, 12, and 16 FPC Gas Tariff, Second Revised Volume No. 1 have an effective date of October 16, 1973, and will supersede the tariff sheets on file with the FPC in Docket No. CP73-224.

Kansas-Nebraska states that the proposed changes would increase revenues from jurisdictional sales and service by $2,179,700 based on the 12 month period ending April 30, 1973, as adjusted. In addition, Kansas-Nebraska states that it proposes to change the definition of Billing Demand in paragraph 3.b. on Sheet No. 5, Rate Schedule CD-1 so that deliveries under this rate schedule will be limited to 80 percent of the contract demand during the months of April, May, September and October and 60 percent of the contract demand during the months of June, July and August.

According to Kansas-Nebraska it proposes to restrict the reselling of gas for boiler fuel or generation of electricity for new or additional use to any presently served customers or to any new customer. Kansas-Nebraska further states that under the proposed tariff the largest new installation which would be accepted would be one with an annual requirement of 50,000 Mcf.

Kansas-Nebraska also states that it proposes to increase its depreciation rate for its transmission system properties to a rate of 4 percent. In addition, Kansas-Nebraska states that the proposed rate of return of 9.78 percent will enable Kansas-Nebraska to earn a return of 13 percent on equity.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Commission's rules of Practice and procedure. All such petitions or protests should be filed on or before September 24, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20224 Filed 9-21-73;8:45 am]

[Docket No. CP74-58]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

SEPTEMBER 18, 1973.

Take notice that on August 31, 1973, Michigan Wisconsin Pipeline Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-58 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act requesting permission and approval to abandon certain facilities by sale to Keokuk Gas Service Company (Keokuk) and for a certificate of public convenience and necessity authorizing the relocation of a delivery point for Keokuk, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to sell to Keokuk at a net depreciated cost of $201,452.25 approximately 25 miles of right-of-way, pipeline, sales meter station sites and related facilities, owned and operated by Applicant to render service to Keokuk in Lee County, Iowa. Applicant also proposes to construct a relocated delivery point facility located at approximately Mile Post 31.93 in Lee County, Iowa. The estimated cost of the proposed facility is $26,510, which will be financed by Applicant from internally generated funds.

Applicant states the abandonment by sale to Keokuk will eliminate three existing delivery points and approximately 25 miles of right-of-way pipeline and related facilities and will enable Keokuk to utilize these facilities as a part of its local distribution system with resulting operational and cost advantages to the company. Applicant further states that the construction of the relocated station will enable Applicant to continue selling the the same volumes of gas to Keokuk presently authorized under various Commission certificates of public convenience and necessity.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20246 Filed 9-21-73;8:45 am]

[Rate Schedule Nos. 3, etc.]

MONSANTO CO., ET AL.

Notice of Rate Change Filings

SEPTEMBER 14, 1973.

Take notice that the producers listed in the appendix attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20247 Filed 9-21-73;8:45 am]

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 27, 1973	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	3	Mississippi River Transmission Corp.	Other southwest area.
Aug. 30, 1973	do	64	Natural Gas Pipeline Co. of America.	Texas gulf coast.
Do	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	105	Arkansas Louisiana Gas Co.	Other southwest area.
Do	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	251	Texas Eastern Transmission Corp.	Do.
Sept. 4, 1973	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	269	Lone Star Gas Co.	Do.
Do	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	2	Texas Eastern Transmission Corp.	Do.
Do	do	11	United Gas Pipe Line Co.	Do.
Do	do	12	do	Do.
Do	do	13	do	Do.

[FR Doc.73-20247 Filed 9-21-73;8:45 am]

[Docket No. E-8385]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

SEPTEMBER 18, 1973.

Take notice that on September 4, 1973, Montana-Dakota Utilities Co. filed an application pursuant to Section 204 of the Federal Power Act seeking an Order authorizing the Applicant to enter into a Guaranty Agreement with a bank (to be selected) acting as Trustee (the "Trustee"), guaranteeing payment of the principal, premium, if any, and interest on pollution control revenue bonds designated "County of Richland, Montana, Pollution Control Revenue Bonds (Montana-Dakota Utilities Co. Project)" (the "Bonds") to be issued by Richland County, Montana, an organized county within the State of Montana, being a body corporate and politic (the "County"), pursuant to a Trust Indenture (the "Indenture") to be entered into between the County and the Trustee. The aggregate amount of such obligations to be the subject of the Guaranty Agreement shall not exceed $4,500,000.

The Applicant proposes to enter into a Guaranty Agreement with the Trustee under the Indenture pursuant to which the Bonds of the County are to be issued to finance the construction and acquisition in the County of water and air pollution control facilities at an existing 50 megawatt electric generating station, known as the Lewis and Clark Station, presently owned by the Applicant (said air and water pollution control facilities are hereinafter referred to as the "Project"). The Project will be owned by the County and will be leased by the County to the Applicant. The term of the lease (the "Lease"), will commence with the date of issuance of the bonds and will terminate on the date of final payment of the Bonds, such lease term to be more specifically set forth in the Lease at the time of execution.

Under the Guaranty Agreement, the Applicant will unconditionally guaranty to the Trustee for the benefit of the holders from time to time of the Bonds and the interest coupons appertaining thereto (a) the full and prompt payment of the principal of and premium, if any, on each Bond when and as the same shall become due, whether at the stated maturity thereof, by acceleration, call for redemption or otherwise, and (b) the full and prompt payment of any interest on any Bond when and as the same shall become due.

The County is authorized to issue the bonds under the Industrial Development Projects Acts, being Title 11, Chapter 41, Revised Code of Montana, 1947, as amended, and the County will issue the Bonds pursuant to the Indenture. Interest payable on the Bonds will be exempt from Federal Income Tax as enacted and construed on the date of original delivery (except as provided by section 103(c) (7) of the Internal Revenue Code of 1954 as to bonds held by a substantial user of the Project or a "related user" as such term is defined in section 103(c) (6) (C) of the Code).

While the County will be the issuer of the Bonds as required for purposes of exemption of the interest on the Bonds from Federal Income taxation, the credit of the County will not be pledged to the payment of the bonds. The Bonds will be payable only from the revenues and income under the Lease, and all lease rentals will be assigned to, and deposited directly with, the Trustee. The Lease will require that the Company continue to pay rental whether or not the Project is destroyed, and the amount payable will be the amount required to pay principal, premium, if any, and interest on the Bonds and to pay from time to time the fees and expenses of the County and Trustee. Under the terms of the Lease Agreement, the County will sell, assign, transfer and convey to the Applicant at a purchase price of $1,000, payable in cash or certified check, all of its right, title and interest in the Project within 30 days from the completion date as specified in the Lease, provided however, notwithstanding the foregoing, such sale, assignment, transfer and conveyance will not operate by merger or otherwise to terminate the Lease, the lease term or the obligations, terms and conditions of the Lease.

The guaranty proposed herein is required because, under the United States Bankruptcy Act, the claim provable with respect to a lease is limited to one year's rent in the case of the bankruptcy of the Applicant and three years' rent in the event of the reorganization of the Applicant. If there is no guaranty as herein proposed, rating agencies customarily rate industrial revenue bonds to be paid out of the lease payments one grade lower than they rate senior unsecured long-term debt of the lessee.

The guaranty is to be absolute and unconditional. It will apply notwithstanding any default on the part of the County or any compromise, settlement, modification, amendment, release or termination of any or all of the obligations, convenants or agreements of the County. The guaranty is desired by the Applicant, since it will permit the Applicant to obtain the most advantageous interest rate for the Bonds with a consequent reduction in the rental to be paid by the Applicant under the Lease.

The Bonds will be sold to underwriters by the County, and a Bond Purchase Agreement relating to the Bonds will be entered into between the County and the underwriters. The Applicant will not be a party to that agreement.

The sale of the bonds will be governed by state law and will be accomplished without competitive bidding by the County. Since the guaranty by the Applicant will be given to the Trustee for the benefit of the holders of the Bonds issued by the County, the Applicant believes that competitive bidding with respect to the guaranty is not possible. The guaranty is the subject of an application for exemption from competitive bidding under § 34.2(f)-(2).

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20248 Filed 9-21-73; 8:45 am]

[Docket No. E-8334]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

SEPTEMBER 18, 1973.

Take notice that on September 4, 1973, Montana-Dakota Utilities Co. filed an

application pursuant to section 204 of the Federal Power Act seeking an order authorizing the Applicant to enter into a Guaranty Agreement with a bank (to be selected) acting as Trustee (the "Trustee"), guaranteeing payment of the principal, premium, if any, and interest on pollution control revenue bonds designated "County of Morton, North Dakota, Pollution Control Revenue Bonds (Montana-Dakota Utilities Co. Project)" (the "Bonds") to be issued by Morton County, North Dakota, an organized county within the State of North Dakota, being a body corporate and politic (the "County"), pursuant to a Trust Indenture (the "Indenture") to be entered into between the County and the Trustee. The aggregate amount of such obligations to be the subject of the Guaranty Agreement shall not exceed $6,000,000.

The Applicant proposes to enter into a Guaranty Agreement with the Trustee under the Indenture pursuant to which the Bonds of the County are to be issued to finance the construction and acquisition in the County of water and air pollution control facilities at an existing 100 megawatt electric generating station, known as the Rolland M. Heskett Station, presently owned by the Applicant (said air and water pollution control facilities are hereinafter referred to as the "Project"). The Project will be owned by the County and will be leased by the County to the Applicant. The term of the lease (the "Lease"), will commence with the date of issuance of the bonds and will terminate on the date of final payment of the Bonds, such lease term to be more specifically set forth in the Lease at the time of execution.

Under the Guaranty Agreement, the Applicant will unconditionally guaranty to the Trustee for the benefit of the holders from time to time of the Bonds and the interest coupons appertaining thereto (a) the full and prompt payment of the principal of and premium, if any, on each Bond when and as the same shall become due, whether at the stated maturity thereof, by acceleration, call for redemption or otherwise, and (b) the full and prompt payment of any interest on any Bond when and as the same shall become due.

The County is authorized to issue the bonds under the Municipal Industrial Development Act of 1955, being Chapter 40-57 of the North Dakota Century Code, as amended, and the County will issue the Bonds pursuant to the Indenture. Interest payable on the Bonds will be exempt from Federal Income Tax as enacted and construed on the date of original delivery (except as provided by section 103(c) (7) of the Internal Revenue Code of 1954 as to bonds held by a substantial user of the Project or a "related user" as such term is defined in section 103(c) (6) (C) of the Code).

While the County will be the issuer of the Bonds as required for purposes of exemption of the interest on the Bonds from Federal Income taxation, the credit of the County will not be pledged to the payment of the bonds. The Bonds will be payable only from the revenues and income under the Lease, and all lease rentals will be assigned to, and deposited directly with, the Trustee. The Lease will require that the Company continue to pay rental whether or not the Project is destroyed, and the amount payable will be the amount required to pay principal, premium, if any, and interest on the Bonds and to pay from time to time the fees and expenses of the County and the Trustee. Under the terms of the Lease Agreement, the County will sell, assign, transfer and convey to the Applicant at a purchase price of $1,000, payable in cash or certified check, all of its right, title and interest in the Project within 30 days from the completion date as specified in the Lease, provided however, notwithstanding the foregoing, such sale, assignment, transfer and conveyance will not operate by merger or otherwise to terminate the Lease, the lease term or the obligations, terms and conditions of the Lease.

The guaranty proposed herein is required because, under the United States Bankruptcy Act, the Claim provable with respect to a lease is limited to one year's rent in the case of the bankruptcy of the Applicant and three years' rent in the event of the reorganization of the Applicant. If there is no guaranty as herein proposed, rating agencies customarily rate industrial revenue bonds to be paid out of the lease payments one grade lower than they rate senior unsecured long-term debt of the lessee.

The guaranty is to be absolute and unconditional. It will apply notwithstanding any default on the part of the County or any compromise, settlement, modification, amendment, release or termination of any or all of the obligations, covenants or agreements of the County. The guaranty is desired by the Applicant, since it will permit the Applicant to obtain the most advantageous interest rate for the Bonds with a consequent reduction in the rental to be paid by the Applicant under the Lease.

The Bonds will be sold to underwriters by the County, and a Bond Purchase Agreement relating to the Bonds will be entered into between the County and the underwriters. The Applicant will not be a party to that agreement.

The sale of the bonds will be governed by state law and will be accomplished without competitive bidding by the County. Since the guaranty by the Applicant will be given to the Trustee for the benefit of the holders of the Bonds issued by the County, the Applicant believes that competitive bidding with respect to the guaranty is not possible. The guaranty is the subject of an application for exemption from competitive bidding under § 34.2(f) (2).

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20249 Filed 9-21-73;8:45 am]

[Docket Nos. G-16026 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Granting Motion and Adopting Settlement Agreement Relative to Consolidated Effective Tax Rate Issue

SEPTEMBER 17, 1973.

On June 27, 1973, Natural Gas Pipeline Company of America (Natural) filed a motion renewing a motion made on April 3, 1972, for Commission approval of a settlement agreement in the above dockets. The proposed settlement concerns the consolidated effective tax rate issue raised in the above dockets.

These proceedings arose from a petition filed by Natural on May 19, 1970, in these dockets, requesting an order finding and declaring that Natural had no liability under "the consolidated effective tax rate" conditions in settlement agreements previously approved by this Commission in these dockets. Natural also asked approval of the use of that interpretation of the consolidated effective tax rate issue in any future rate proceedings it might be involved in before the Commission.

The settlement agreement provides that Natural would not have a refund obligation under these dockets relative to the consolidated effective tax rate conditions existing therein; further, such conditions were to be terminated by the agreement. Additionally, if Peoples Gas (parent of Natural), through its own operations or those of any company other than Natural in which Peoples Gas owns 50 percent or more of the stock, shall suffer tax losses, even to the extent of creating a "loss company" within the system, such result will not and may not be used to reduce the rates of Natural below the level they otherwise would be.

Notice of this motion renewing the April 3, 1972, motion was issued on July 6, 1973, providing for all comments to be filed by July 16, 1973. No comments have been received.

The provisions of this settlement are consistent with our decision in "Florida Gas Transmission Company," Opinion Nos. 611 and 611-A (issued February 16, 1972, and January 19, 1973, respectively). In that decision, we stated:

* * * In our opinion a utility should be regarded on the basis of its being an independent entity; that is, a utility should be

considered as nearly as possible on its own merits and not on those of its affiliates. (47 FPC 363).

Our reasoning was that reducing the rate of a regulated pipeline because of exploration and development by an affiliated company would discourage the very enterprise which, in this time of limited natural gas supplies, we wish to encourage; therefore, the tax losses sustained by an affiliate should not be used to reduce the tax allowance of another affiliate.

The Commission finds

The settlement of the consolidated effective tax rate issues as contained in the agreement submitted on April 3, 1972, and renewed on June 27, 1973, is reasonable, proper, and in the public interest. The agreement carries out the provisions of the Natural Gas Act and should be approved.

The Commission orders

(A) The settlement agreement, hereby incorporated by reference, is approved: *Provided, however,* That such approval is without prejudice to any findings or orders which may be made by the Commission in any proceeding hereinafter instituted by or against Natural or any other person or party.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20250 Filed 9-21-73;8:45 am]

[Docket No. E-8378]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Supplement to Service Agreement

SEPTEMBER 18, 1973.

Take notice that on August 30, 1973, Northern Indiana Public Service Company (Northern) tendered for filing Exhibit B-9, Supplement to Service Agreement, between Northern and Kankakee Valley Rural Electric Membership Corporation, covering supply of electric energy for resale at the Four Seasons Delivery Point located in Porter Township, Porter County, Indiana.

Northern states that the supplement provides for service to be furnisehd under Rate VA11 of Northern's FPC Electric Service Tariff—First Revised Volume No. 1.

According to Northern the map appearing in the tariff is being revised to show all delivery points for which contracts have been filed with the Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and proecedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken ,but will not serve to make protestants parties to teh proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20231 Filed 9-21-73;8:45 am]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Tariff Changes

SEPTEMBER 19, 1973.

Take notice that on August 28, 1973, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following tariff sheets to its FPC Gas Tariff, Original Volume No. 2:

Ninth Revised Sheet No. 1.
Original Sheet Nos. 205 through 231.

The tariff sheets are being filed in order to effectuate the Transportation and Sale, and Exchange Agreement between Panhandle and Colorado Interstate Gas Company as authorized by the Federal Power Commission's orders issued March 30, 1973, and July 19, 1973, in Docket Nos. CP72-181 and CP73-44. Panhandle proposes that the tariff sheets be made effective October 1, 1973.

Copies of the filing were served upon Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20227 Filed 9-21-73;8:45 am]

[Docket No. RP73-92]

RATON NATURAL GAS CO.

Notice of Proposed Filing Pursuant to Purchased Gas Adjustment Clause

SEPTEMBER 14, 1973.

Take notice that on August 16, 1973, Raton Natural Gas Company (Raton) submitted for filing as a part of its FPC Gas Tariff, Original Volume No. 1, the following revised Tariff Sheets, to become effective October 1, 1973:

Second Revised Sheet No. 3a.
First Revised Sheet No. 20b.

Raton states that the filing of Second Revised Sheet No. 3a is submitted only for the purpose of effecting a change in Raton's rates to compensate Raton for the increase in charges for gas purchased from Colorado Interstate Company (CIG) in the amount of 2.39¢ per Mcf, which CIG proposes to make effective October 1, 1973, and to pass through a reduction in charges by CIG as the result of the settlement in Docket No. RP72-113, approved by Commission order issued July 5, 1973.

Raton states that the filing reflects an increase in demand charge of 4.0¢ per Mcf, an increase in commodity charge of 1.93¢ per Mcf and a reduction in the surcharge to recover Deferred Gas Purchase Costs from 10.56¢ to 2.55¢ for the succeeding six months from effective date.

Raton says that the filing of First Revised Sheet No. 20b is for inclusion of Paragraph 18.10 providing for flow-through of jurisdictional refunds in compliance with Commission order in Docket No. RP73-92.

On September 6, 1973, Raton filed another letter with the Commission. Raton states that since the filing of August 16, 1973, it has been brought to Raton's attention that certain of the figures set forth on said proposed Second Revised Sheet No. 3a and the accompanying Exhibit A do not correctly reflect the rates and charges which Raton should charge to include CIG filing of PGA and in Docket No. RP73-93 which become effective October 1, 1973. Accordingly, Raton submitted a substitute Second Revised Sheet No. 3a and a substitute Exhibit A in substitution for the same instruments filed on August 16, 1973, and requests the Commission to accept this filing as though filed on August 16, 1973. In the alternative, Raton requests the Commission to waive the 45-day notice requirement of Section 18.2 of Raton's tariff in order that the changes proposed may become effective as of October 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20251 Filed 9-21-73;8:45 am]

[Docket No. ID-1631]

ROBERT DAVIS WEIMER

Notice of Application

SEPTEMBER 18, 1973.

Take notice that on August 27, 1973, Robert Davis Weimer (Applicant), filed a supplemental application pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the position of President of Delmarva Power & Light Company.

By Commission order dated July 12, 1971, Applicant was authorized to hold the positions of Executive Vice-President and Director of Delmarva Power & Light Company, Director of Delmarva Power & Light Company of Maryland, and Director of Delmarva Power & Light Company of Virginia, Delmarva Power & Light Company of Maryland and Delmarva Power & Light Company of Virginia are a part of the public utility holding company system of Delmarva Power & Light Company. Delmarva Power & Light Company owns the total outstanding long-term debt and common stock of Delmarva Power & Light Company of Maryland and Delmarva Power & Light Company of Virginia.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20252 Filed 9-21-73;8:45 am]

[Docket No. CI74-166]

SIGNAL OIL AND GAS CO.

Notice of Application

SEPTEMBER 18, 1973.

Take notice that on September 4, 1973, Signal Oil and Gas Company (Applicant), P.O. Box 94193, Houston, Texas 77018, filed in Docket No. CI74-166 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company at its Aline Plant, Alfalfa County, Oklahoma, from production in Alfalfa and Major Counties, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced a sale of natural gas on August 24, 1973, within the contemplation of Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period. Applicant proposes to sell approximately 18,000 Mcf of gas per month at 50.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment, but states that it will accept a certificate conditioned to 45.0 cents per Mcf, subject to Btu adjustment, which reserving its right to file for its full contractual entitlement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1973 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20232 Filed 9-21-73;8:45 am]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

SEPTEMBER 19, 1973.

Take notice that Southern Natural Gas Company (Southern) on August 28, 1973, tendered for filing Rate Schedule X-23 containing original tariff sheets to its FPC Gas Tariff, Original Volume No. 2 to become effective thirty (30) days after filing. Southern states that the Rate Schedule X-23 tariff sheets contain an agreement dated January 29, 1973, for the exchange of natural gas between Southern and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin).

Southern states that this filing is being made pursuant to Commission order dated July 11, 1973, issuing certificates of public convenience and necessity in Docket No. CP73-290 authorizing Southern and Michigan Wisconsin to exchange and transport natural gas in interstate commerce.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing have been mailed to Michigan Wisconsin and are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20228 Filed 9-21-73;8:45 am]

[Docket No. CP74-60]

TENNESSEE GAS PIPELINE CO. AND TENNECO INC.

Notice of Application

SEPTEMBER 10, 1973.

Take notice that on August 31, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-60 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for The Greenwich Gas Company (Greenwich), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 4,000 Mcf of natural gas per day for Greenwich until October 31, 1974. Applicant states that to enable Greenwich to meet its peak shaving requirements, Greenwich has arranged to purchase 100,000 Mcf of vaporous gas equivalent of liquefied natural gas (LNG) from The Southern Connecticut Gas Company (Southern Connecticut). Southern Connecticut will vaporize the LNG and make equivalent volumes available to Applicant for transportation to Greenwich by reducing Southern Connecticut's takes from Applicant. Applicant proposes to collect a transportation charge comprised of a demand charge of 29.41 cents

per Mcf per month plus a volume charge of 4.90 cents per Mcf. Applicant states that the proposed service would be rendered by means of existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time require herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20253 Filed 9-21-73;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Change in FPC Gas Tariff

SEPTEMBER 14, 1973.

Take notice that on August 29, 1973, Texas Gas Transmission Corporation (Texas Gas) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute First Revised Sheet No. 91. Texas Gas requests that the filing be made effective as of the date of Commission approval of the requested substitution.

Texas Gas states that the sole purpose of this filing is to include in Category No. 2 of the curtailment priorities set in Texas Gas' filing of May 17, 1973, firm industrial sales up to 300 Mcf per day as authorized in Opinion No. 647-A, "United Gas Pipe Line Company", Docket Nos. RP71-29, et al., issued May 30, 1973.

Copies of the filing have been served upon Texas Gas' customers and interested State commissions.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1973. All protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to patricipate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20254 Filed 9-21-73;8:45 am]

[Docket No. CP72-93]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Withdrawal of Application

SEPTEMBER 17, 1973.

On February 6, 1973, Texas Eastern Transmission Corporation (Texas Eastern) filed in Docket No. CP72-93 a notice of withdrawal of its application in that docket. Texas Eastern filed an application on October 4, 1971, requesting authorization pursuant to section 3 of the Natural Gas Act for the importation of approximately 12 trillion Btu of liquefied natural gas (LNG) from Libya. The LNG was to be imported in 12 cargo lots of approximately one trillion Btu each. By order issued February 15, 1972, the Commission authorized the importation of two shiploads of LNG, and scheduled hearing on the remaining ten shiploads. The formal hearing was held on March 14, 1972. On May 2, 1972, the Administrative Law Judge issued his Initial Decision, authorizing the importation of the remaining ten shiploads, subject to certain conditions. Texas Eastern's notice of withdrawal was filed while the proceeding was pending decision by the Commission.

Upon consideration, the Commission finds that good cause exists for permitting withdrawal, pursuant to Section 1.11(d) of the Commission's Rules of Practice and Procedure, of Texas Eastern's application filed in the above-entitled docket.

The Commission orders

Permission is hereby granted for the withdrawal of the application filed October 4, 1971, by Texas Eastern Transmission Corporation.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20255 Filed 9-21-73;8:45 am]

[Docket No. CI74-170]

TOMLINSON DRILLING PROGRAM

Notice of Application

SEPTEMBER 18, 1973.

Take notice that on September 10, 1973, Tomlinson Drilling Program—1972—A Limited Partnership, et al. (Applicants), c/o Tomlinson Oil Co., Inc., Suite 1030, 200 West Douglas, Wichita, Kansas 67202, filed in Docket No. CI74-170 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the North Balko Area, Beaver County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell approximately 15,000 Mcf of gas per month for one year at 45.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required,

further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20233 Filed 9-21-73;8:45 am]

[Docket Nos. CP67-26 etc.]

UNITED GAS PIPE LINE CO. ET AL.

Findings and Order After Statutory Hearing Granting Abandonment, Fixing Date for Hearing, Establishing Procedures, Granting Interventions and Terminating Proceedings

SEPTEMBER 17, 1973.

United Gas Pipe Line Company (United) and Texas Eastern Transmission Corporation (Texas Eastern) filed a joint application on November 27, 1972, pursuant to section 7(c) of the Natural Gas Act (Act) for an amendment to the certificate of public convenience and necessity issued by the Commission on September 23, 1966, in Docket No. CP67-26 at 36 FPC 670.[1]

The Commisison in the aforementioned certificate authorized United and Texas Eastern to exchange natural gas and to establish specific delivery points for this purpose. These joint Applicants presently request authorization to operate two additional delivery points. It is unclear from their application to amend whether they request permission to make additional exchanges in a quantitative sense or whether they seek permission solely to operate two new exchange delivery points in order to make exchanges of natural gas previously authorized by the Commission. In their proposed amendment, applicants seek to establish the following two new delivery points:

(1) At the outlet side of United's existing measuring station located at the point of interconnection of the lines of Texas Eastern and United near Kosciusko in Attala County, Mississippi.[2]

(2) At the tailgate of Gulf Oil Corporation's Venice Gasoline Plant near Venice in Plaquemines Parish, Louisiana.

The proposed additional exchange points sought by the joint applicants in their application to amend the certificate issued in Docket No. CP67-27 are considerably distant from a geographic point of view. The Venice exchange point is located in southern Louisiana close to where the Mississippi flows into the Gulf of Mexico and the other proposed exchange point is close to that terminus on United's system situated near Kosciusko in the Attala County, Mississippi.

[1] The Commission by order issued on July 22, 1969, amended the aforementioned certificate by authorizing the joint applicants to construct and operate two additional delivery points for the exchange of natural gas (42 FPC 157).

[2] United is presently delivering gas to Texas Eastern at this point pursuant to the terms of a service agreement between the latter two companies.

The following petitioners have filed petitions to intervene in the proceeding relating to the joint application filed in Docket No. CP67-26:

Applicant:	*Date of filing*
Shell Oil Co.	Dec. 18, 1972
Texaco Inc.	Dec. 26, 1972
Exxon Corp.	Dec. 26, 1972
State of Louisiana, Louisiana Public Service Commission and Louisiana Municipal Gas Association	Dec. 26, 1972
New Orleans Public Service Inc. and the City of New Orleans	Dec. 27, 1972
Louisiana Gas Service Co.	Jan. 2, 1973
Louisiana Power & Light Co.	Jan. 2, 1973

The aforementioned petitioners generally contend that the joint applicants did not allege certain definitive facts in their application upon which a full evaluation of the proposal could be made. They raise questions relating to the benefit and impact that the proposed exchanges will have upon the respective markets and operations of the joint-applicants. Certain interveners stress that the joint-application does not specify the volumes of gas contemplated under this exchange and that it also fails to reveal the source, nature and status of those volumes to be delivered from the tailgate of the Gulf Oil Corporation's Venice Gasoline Plant near Venice in Plaquemines Parish, Louisiana.

The questions raised by petitioners present issues that require an evidentiary record to resolve. We shall order a hearing to be held on the issues presented in the joint application for amendment filed in Docket No. CP67-26.

On November 27, 1972, United filed an application in Docket No. CP73-142 requesting that the Commission issue an order pursuant to section 7(b) of the Act permitting it to abandon the natural gas transportation service under which it transports certain volumes of gas belonging to Mid-Louisiana Gas Company (Mid-Louisiana) from the Hester Storage Field in St. James Parish, Louisiana, to points of interconnection with Mid-Louisiana's facilities in East Baton Rouge Parish, Louisiana.[3]

United seeks to abandon only that service that specifically relates to its transportation of Hester Field volumes for Mid-Louisiana and desires to maintain the points of receipt and delivery of the transport gas as exchange points under the provisions of an existing exchange agreement between the latter two companies.

In support of its application in Docket No. CP73-142, United contends that the uncertificated reserves attached to its system in the New Orleans Area are declining so rapidly that it can only render adequate service to that area by changing the flow patterns on its system to enable it to divert gas from its Napoleonville-Kosciusko line. United further alleges that the approval of its application will not affect the volumes which need to be diverted from its Napoleonville-Kosciusko line, but will only affect the percentages of gas diverted therefrom that will flow toward New Orleans and Baton Rouge. It therefore contends that the approval of this application will not have an adverse affect on its customers.

On January 2, 1973, Mid-Louisiana filed a petition to intervene in opposition to the abandonment proceeding in Docket No. CP73-142, alleging that it would be aggrieved by the grant of United's application through the loss of a means of transporting its Hester Storage Field gas to its Baton Rouge market.

Subsequently, on January 22, 1973, Mid-Louisiana filed a motion to withdraw its intervention alleging that it no longer had any objection to the Commission's approval of the abandonment since it had made other suitable arrangements to transport its gas, which arrangements have been certificated by order issued January 12, 1973, in Transcontinental Gas Pipe Line Corporation, Docket No. CP73-52.

The following petitioners have filed timely petitions to intervene in the proceeding in Docket No. CP73-142 in which United seeks to abandon the above-described transportation service for Mid-Louisiana:

Applicants	*Date of filing*
Shell Oil Co.	Dec. 18, 1972
Laclede Gas Co.	Dec. 27, 1972
The Exxon Corp.	Jan. 2, 1973
State of Louisiana, Louisiana Public Service Commission and Louisiana Municipal Association.	Jan. 2, 1973
Louisiana Gas Service Co.	Jan. 2, 1973
Louisiana Power and Light Co.	Jan. 2, 1973

In those petitions to intervene, petitioners generally contend that approval of United's application in Docket No. CP73-142 will permit United to change the flow patterns of gas on its system in such a manner that will be to the detriment of all who oppose the proposition that United's "Green System—east" is jurisdictional under the Act and that the Commission should issue a certificate for the operation of these facilities. They urge that the patterns of flow on United's system will be the crucial factor in determining the jurisdictional status of United's "Green System—east."[4]

[3] The Commission authorized the aforementioned transportation service by order issued on November 15, 1971, in United Gas Pipe Line Company, in Docket No. CP72-42, 46 FPC 1215. This service commenced on January 3, 1972, under United's Rate Schedule X-44 of its FPC Gas Tariff, Original Volume No. 2.

[4] These petitioners also contend that the approval of United's abandonment application in Docket No. CP73-142 and its request in Docket No. CP73-143 to operate a presently existing, though closed, valve at its Marchand Junction (connection point between United's jurisdictional Napoleon-Kosciusko line and its New Orleans-Baton Rouge line) will enable United to divert additional interstate gas into its intrastate system.

[5] See Louisiana Power and Light Company, et al. v. Federal Power Commission, case Nos. 72-1714, et al. (5th Cir.), issued on June 28, 1973, — F. 2d —.

The United States Court of Appeal for the 5th Circuit has recently handed down its decision sustaining the Commission's decision in Opinion Nos. 610 and 610–A that United's "Green System" is jurisdictional.[5] Accordingly, there is no basis for delaying our decision on the question of abandonment insofar as it relates to the jurisdictional issue sought to be preserved by these petitions.

The above-noted petitions to intervene in Docket CP73–142 were filed well before June 28, 1973, the date on which the Court handed down its decision in the "Louisiana Power" case, supra. The main basis of possible aggrievement cited in these petitions was predicated upon the hypothesis that any change in the existing flow patterns on United's system might affect the outcome of certain matters pending before the Court and this Commission relating to the jurisdiction and certification of specific portions of United's system. Upon the basis of the evidentiary record in Docket No. CP71–89, the Court found that United's facilities and the services it renders in these areas to be jurisdictional. Shortly after the Court handed down the aforementioned decision, the Commission issued a conditional certificate of public convenience and necessity permitting United to operate its facilities and provide certain services, previously uncertificated, in its New Orleans and Victoria Divisions.[6] Hence, the course of events subsequent to the filing of the aforementioned petitions have resolved these pending issues and mooted much of the basis for opposition to the grant of the abandonment.

Laclede Gas Company (Laclede) filed a petition to intervene in Docket No. CP73–142 predicated upon a different hypothesis from that noted above. In its petition, Laclede contends that the abandonment sought by United in the aforementioned docket is closely related to United's filing in Docket No. CP73–143. It argues that United in the aforementioned dockets is seeking authority to divert interstate gas to a specific portion of its intrastate market when it is curtailing up to thirty percent of its contract obligation to its pipeline customers. However, the Commission in Opinion No. 610 provided for United to deliver interstate gas into various parts of its uncertificated system on an emergency basis. (47 FPC at 267–268). In Opinion No. 661, supra, we granted United the certificate it requested subject to several conditions. In so doing we reiterated our position that it was to operate its system on an integrated basis and that there was to be no disparity in the service rendered anywhere on its pipeline. (See Opinion No. 661, mimeo pp. 4–5.) There no longer is any purpose to isolating such parts of United's system from each other because of jurisdictional distinctions.

[6] See Commission Opinion No. 661 issued on July 20, 1973, in United Gas Pipe Line Company, Docket No. CP71–89.

Our Opinions Nos. 610 and 661, supra, are dispositive of the manner in which United will be required to render service to its customers. Hence, United can no longer be viewed as having an interstate and intrastate market. Laclede certainly has presented no predicate upon which it can be assumed that United, contrary to the directives of this Commission, will provide its formerly intrastate customers with more than their proper entitlements as determined by the Commission.

The petitions do not raise any issue of substance in the light of the subsequent decisions rendered by the Courts and this Commission. Thus formal hearing in order to re-argue the same issues that have finally been adjudicated will serve no useful purpose. The Commission has, therefore, on its own motion received and made part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein at a hearing held on September 12, 1973, and in consideration of this record will grant the abandonment sought by United herein.

United filed its application in Docket No. CP73–143 on November 27, 1972, seeking authorization, as previously noted pursuant to section 7(c) of the Act to divert natural gas from its certificated Napoleonville-Kosciusko line to its then uncertificated New Orleans-Baton Rouge line by opening an existing, though closed, valve between these facilities. However, the aforementioned Opinions are dispositive of United's application in Docket No. CP73–143. In those Opinions, the Commission determined that United's facilities in its New Orleans Division are jurisdictional and issued a certificate to operate those facilities with the other sections of United's pipeline on an integrated basis. Accordingly, we will terminate the proceeding initiated by the filing of United in Docket No. CP73–143.

The Commission finds

(1) The public convenience and necessity requires that the proceeding entitled "United Gas Pipe Line Company" in Docket No. CP67–26 be set for formal hearing.

(2) The intervention of the above-named petitioners who filed petitions to intervene in Docket No. CP67–26 may be in the public interest.

(3) The public convenience and necessity requires that the proceeding entitled "United Gas Pipe Line Company" in Docket No. CP73–143 should be terminated.

(4) The public convenience and necessity requires that the abandonment of service sought in the proceeding entitled "United Gas Pipe Line Company" in Docket No. CP73–142 should be granted.

(5) The intervention of the above-named petitioners who filed petitions to intervene in Docket No. CP73–142 may be in the public interest.

The Commission orders

(A) A hearing will be convened on October 17, 1973, in the proceeding entitled "United Gas Pipe Line Company" in Docket No. CP67–26 in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at 10:00 a.m. (EDT). The Chief Administrative Law Judge will designate an appropriate Administrative Law Judge of the Commission to preside at this hearing pursuant to the Commission's Rules of Practice and Procedure.

(B) United Gas Pipe Line Company and all parties in support of its application, will serve their direct case on all parties to the proceeding, including Commission Staff, on or before October 5, 1973.

(C) The above-named petitioners seeking permission to intervene in the proceedings entitled "United Gas Pipe Line Company" in Docket Nos. CP67–26 and CP73–142 are hereby permitted to intervene in these proceedings, as indicated above, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that such interveners might be aggrieved, because of any order or orders issued by the Commission in these proceedings.

(D) The abandonment sought in the proceeding entitled "United Gas Pipe Line Company" in Docket No. CP73–142 is granted.

(E) The proceeding entitled United Gas Pipe Line Company in Docket No. CP73–143 is terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20256 Filed 9-21-73;8:45 am]

[Docket No. E-8393]

DEPARTMENT OF THE INTERIOR, ET AL.

Notice of Recommendation for Approval of Rates and Charges

SEPTEMBER 14, 1973.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of the Alaska Power Administration (APA), filed with the Federal Power Commission on September 10, 1973, a recommendation in Docket No. E–8393 for confirmation and approval of Rate Schedule SN–F1 for wholesale firm electric power service from the Snettisham Project (Project). The Secretary recommends approval of the proposed rate schedule for the 5-year period beginning with the date of issuance of the Commission's order granting such approval.

The Project is a hydroelectric development located near Juneau, Alaska. It is being constructed by the Corps of Engineers of the U.S. Army under the provisions of section 204 of the Flood Control Act of 1962 (Pub. L. 87-874, approved October 23, 1962, 76 Stat. 1173, 1193), which also provides for the Secretary to operate and maintain the Project as well as to sell the electric power and energy generated at the Project. The Secretary has delegated his functions to APA. The first stage of the Project, known as Long Lake, is scheduled for completion by October 1, 1973. It is anticipated that the second stage, known as Crater Lake, will be completed in fiscal year 1978.

The proposed rate schedule provides for a straight energy charge of 15.6 mills per kilowatt-hour for all energy sold thereunder and makes no provision for a capacity charge. It is available in the area served by the Project to wholesale firm power customers for general power service.

In support of the proposed rate schedule, the Secretary submitted to the Commission the repayment study prepared by APA for the purpose of showing that such rate schedule will produce revenues sufficient to assure repayment of the Project's costs associated with electric power within 54 years of the commencement of commercial operation of the Long Lake stage and within 50 years of the commencement of commercial operation of the Crater Lake stage.

Proposed Rate Schedule SN-F1, together with the repayment study in support thereof, is on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions for the Commission's consideration with respect to said rate schedule sohuld submit the same in writing on or before October 1, 1973, to the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20257 Filed 9-21-73;8:45 am]

[Project No. 1979]

WISCONSIN PUBLIC SERVICE COMMISSION

Notice of Application for Approval of Conveyance of Interest in Project Lands

SEPTEMBER 17, 1973.

Public notice is hereby given that application was filed September 5, 1972, under the Federal Power Act (16 USC 791a-825r) by the Wisconsin Public Service Corporation (Correspondence to: Mr. D. A. Bollom, Controller, Wisconsin Public Service Corporation, P.O. Box 700, Green Bay, Wisconsin 54305) for approval of conveyance of an interest in project lands for constructed Project No. 1979, known as the Alexander Project, located on the Wisconsin River in Lincoln County, Wisconsin near the City of Merrill.

Wisconsin Public Service Corporation seeks Commission approval to lease approximately 0.40 acre of project land to the Wisconsin Department of Natural Resources for use as a parking lot adjacent to Council Grounds State Park. The proposed parking lot would be located within the project's transmission line right-of-way near a water recreation area.

Any person desiring to be heard or to make protest with reference to said application should on or before October 29, 1973, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20258 Filed 9-21-73;8:45 am]

[Docket Nos. RI73-198, etc.]

RATE CHANGES

Order Providing for Hearing and Suspension

SEPTEMBER 14, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI73-198	Mobil Oil Corp	201	12	West Texas Gathering Co. (Emperor Field, Winkler County, Texas, RR #8) (Permian Basin).	$(55,776)	8-17-73	8-7-73	[4] Accepted	27.89	[1] [3] 22.89	RI73-198.
	do		13	do	55,776	8-17-73		8-18-73	[3] 22.89	[3] 27.89	
RI70-1759	do	226	14	Transwestern Pipeline Company Kermit Field, Winkler County, Texas, RR #8) (Permian Basin).	(8,870)	8-17-73	8-7-73	[4] Accepted	27.319	[1] [5] 24.5	RI70-1759.
	do		15	do	8,870	8-17-73		8-18-73	[5] 24.5	27.319	
RI70-1759	do	227	28	do	(5,310)	8-17-73	8-7-73	[4] Accepted	27.319	[3] [5] 24.5	RI70-1759.
	do		29	do	5,310	8-17-73		8-18-73	[5] 24.5	27.319	
RI70-1759	do	228	14	do	(3,108)	8-17-73	8-7-73	[4] Accepted	27.319	[1] [5] 24.5	RI70-1759.
	do		15	do	3,108	8-17-73		8-18-73	[5] 24.5	27.319	
RI73-156	do	241	22	El Paso Natural Gas Company (Brown-Bassett (Ellenburger) Fld., Terrell County, Texas, RR #7-C) (Permian Basin).	(268,476)	8-17-73	8-7-73	[4] Accepted	25.462	[1] [3] 20.462	RI73-156.
	do		23	do	268,476	8-17-73		8-18-73	[3] 20.462	25.462	
RI70-1760	do	260	8	Transwestern Pipeline Company (Kermit Field, Winkler County, Texas, RR #8) (Permian Basin).	(7,892)	8-17-73	8-7-73	[4] Accepted	27.319	[1] [5] 24.5	RI70-1760.
	do		9	do	7,892	8-17-73		8-18-73	[5] 24.5	27.319	

*Unless otherwise stated, the pressure base is 14.65 psia.
[1] Rate decrease filed pursuant to Ordering Paragraph (E) of Opinion No. 662.
[2] Reflects treating charge deduction.
[3] Subject to quality adjustments pursuant to Opinion No. 662.
[4] The proposed rate is accepted as of the date shown in the "Effective Date Unless Suspended" column, the date of issuance of Opinion No. 662. The proposed rate accepted herein shall not exceed the applicable area rate as adjusted for quality, and gathering allowance if applicable, pursuant to Opinion No. 662.
[5] Includes 1.5¢ gathering allowance.

Mobile is currently collecting increased rates subject to refund which are in excess of the just and reasonable rates established in Opinion No. 662 (Permian II). Mobil has filed herein decreased rates down to the levels prescribed in that opinion, and concurrently has filed rate increases back up to its current rate levels. The proposed decreases are accepted as of August 7, 1973, the effective date of Opinion No. 662. Mobil's proposed rate increases are suspended in the same suspension proceedings applicable to its currently effective rates for one day from the date of filing with waiver of the 30 day notice period granted.

[FR Doc.73-20140 Filed 9-21-73;8:45 am]

NATIONAL POWER SURVEY; EXECUTIVE ADVISORY COMMITTEE

Agenda for Meeting

Agenda for a meeting of the Executive Advisory Committee, to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., October 4, 1973, at 9:30 a.m., in Hearing Room A.

1. Call to order and opening remarks by FPC Chairman John N. Nassikas.
2. Objectives and purposes of meeting.
A. Comments by EAC Chairman Shearon Harris.
B. Status of Technical Advisory Committee Report Preparation and Plans for Distribution—Mr. D. G. Lewis, National Power Survey Director.
C. Report from Technical Advisory Committee on Finance: Development of Future Financial Requirements Model—Mr. Gordon R. Corey.
D. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20236 Filed 9-21-73;8:45 am]

NATIONAL POWER SURVEY; COORDINATING COMMITTEE

Agenda for Meeting

Agenda for a meeting of the Coordinating Committee, to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., October 3, 1973, 1:30 p.m., Room 5200.

1. Call to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Introductory Remarks—Mr. Shearon Harris.
B. Review of Status of Technical Advisory Committee Report Preparation.
C. Plans for Executive Advisory Committee Review of TAC Reports.
D. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20235 Filed 9-21-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY, TASK FORCE ON PRACTICES AND STANDARDS

Agenda for Meeting

Agenda for Technical Advisory Committee on Conservation of Energy Task Force on Practices and Standards, to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., September 26, 1973, in Room 6200 at 9:30 a.m.

1. Meeting called to order by FPC Staff Representative.
2. Objectives and purposes of the meeting.
A. Introductory remarks by Chairman Charles A. Berg.
B. Review of revised Chapter VI—Draft Report on Electricity Pricing and Rate Structures.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20234 Filed 9-21-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 347]

ASSIGNMENT OF HEARINGS

SEPTEMBER 19, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-5227 Sub 6, Economy Movers, Inc., and MC-114211 Sub 189, Warren Transport, Inc., now assigned September 28, 1973 at Omaha, Nebr., is postponed indefinitely.

MC-F-11613, Brown Transport Corp—Control—Harper Motor Lines, Inc., Finance Docket No. 27338, Harper Motor Lines, Inc., Notes, now assigned September 24, 1973, at Atlanta, Ga., is postponed to October 29, 1973, at Atlanta, Ga., same time and place.

MC-C-7901, North American Van Lines, Inc.,—Investigation and Revocation of Certificates, now assigned October 1, 1973, hearing will be held in the Auxiliary Court Room, 2nd Floor, Federal Bldg., 1300 S. Harrison Street, Fort Wayne, Ind.

MC-C-7924, Overland Motor Express, Inc., D.B.A. Boulder-Denver Truck Line, et al. -V-Englewood Transit Company, now assigned October 5, 1973, will be held in Room 1430 Federal Bldg., 1961 Stout Street, Denver, Colo.

MC-F-11840, Consolidated Freightways Corporation of Del.—Purchase—Harris Motor Express, Inc., now assigned October 3, 1973, at Washington, D.C., is cancelled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20290 Filed 9-21-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—SEPTEMBER

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federal register

MONDAY, SEPTEMBER 24, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 184

PART II

DEPARTMENT OF JUSTICE

U.S. Board of Parole

■

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Revision of Organization, Operation and Procedures

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Organization, Operation and Procedures

The following rules reflect the revised organization, operation, and procedures of the United States Board of Parole, and are published under the authority of 28 CFR, Part O, Subpart V, and 18 U.S.C. §§ 4201–4210, 5001–5037.

The Board of Parole expressly disclaims that its rules are subject to the rule making provisions of the Administrative Procedure Act, 5 U.S.C. § 553(b), and does not acquiesce in the Order of the United States District Court for the District of Columbia, dated July 25, 1973, in Richard Pickus, et al. v. U.S. Board of Parole, Civil Action 112–73, from which Order the Board of Parole has filed an appeal to the United States Court of Appeals for the District of Columbia Circuit.

These rules will become effective in the Board's Northeast Region (Region I) on October 1, 1973, and will apply to all subsequent parole and parole revocation hearings conducted in that region. Region I is comprised of the following states: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Federal prisoners outside of the Northeast Region will be considered for parole and parole revocation under the Board's present rules until such time as the revised procedures are made applicable to other regions as these regions become operational.

Part 2 of 28 CFR is revised to read as follows:

Sec.

AUTHORITY.—18 U.S.C. 4201–4210, 5001–5037, 28 CFR Part 0, Subpart V.

§ 2.1 Definitions.

(a) For the purposes of this part, the term "Board" means the United States Board of Parole; and the terms "Youth Correction Division" and "Division" each mean the Youth Correction Division of the Board.

(b) As used in this part, the term "National Appellate Board" means the Chairman, Vice Chairman and at least one member of the Board, all of whom also serve as National Appellate Board members in the headquarters office, i.e., Washington, D.C.

(c) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms have when those terms are used in Chapter 311 of Part IV of Title 18 of the United States Code.

§ 2.2 Granting of parole.

The granting of parole rests in the discretion of the Board of Parole. The Board may parole a prisoner who is otherwise eligible if (a) in the opinion of the Board such release is not incompatible with the welfare of society; (b) he has observed substantially the rules of the institution in which he is confined; and (c) there is reasonable probability that he will live and remain at liberty without violating the laws. (18 U.S.C. 4203(a))

§ 2.3 Eligibility for parole.

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, wherever confined and serving a definite term or terms of over one hundred and eighty days may, in accordance with the regulations prescribed in this part, be released on parole after serving one third of such term or terms or after fifteen years of a life sentence, or of a sentence of over forty-five years. (18 U.S.C. 4202.)

§ 2.4 Same; indeterminate sentence.

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, who has been sentenced to a maximum term of imprisonment in excess of one year may, if the court has designated a minimum term to be served, which term may be less than, but not more than, one third of the maximum sentence imposed, be released on parole after serving the minimum term. In cases in which a court imposes a maximum sentence of imprisonment upon a prisoner and specifies that the prisoner may become eligible for parole at such times as the Board may determine, the prisoner may be released on parole at any time in the discretion of the Board. (18 U.S.C. 4208.)

§ 2.5 Same; juvenile delinquents.

A juvenile delinquent who has been committed and who, by his conduct, has given satisfactory evidence that he has reformed, may be released on parole at any time under such terms and conditions as the Board deems proper if it shall appear to the satisfaction of the Board that there is reasonable probability that the juvenile will remain at liberty without violating the law. (18 U.S.C. 5037.)

§ 2.6 Same; committed youth offenders.

The Youth Correction Division may at any time, after reasonable notice to the Director of the Bureau of Prisons, release conditionally under supervision a committed youth offender. A youth offender committed under section 5010(b) of Title 18 of the United States Code to a maximum six-year term shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction. A youth offender committed under section 5010(c) of Title 18 of the United States Code to a maximum term which is more than six years shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court. (18 U.S.C. 5017.)

§ 2.7 Youth offenders; observation and study.

The court may order a youth to be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Youth Correction Division shall, pursuant to the authority delegated to the Division by the Attorney General by § 0.127(b)(3) of this chapter, report its findings to the court. (18 U.S.C. 5010(e))

§ 2.8 Date service of sentence commences.

(a) Service of a sentence of imprisonment commences to run on the date on which the person is received at the penitentiary, reformatory, or jail for

service of the sentence: Provided, however, that any such person shall be allowed credit toward the service of his sentence for any days spent in custody in connection with the offense or acts for which sentence was imposed.

(b) Service of the sentence of any person who is committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served shall commence to run from the date on which he is received at such jail or other place of detention.

(c) Service of the sentence of a committed youth offender commences to run and continues to run uninterruptedly from the date of conviction.

§ 2.9 Parole of prisoner subject to local detainer.

A prisoner, after he becomes eligible for parole, may, in the discretion of the Board, be released to the custody of an authorized official who has lodged a detainer against the prisoner, and, in such case, the Board may expressly provide that the prisoner be released only to the detaining authorities.

§ 2.10 Parole of prisoner subject to deportation.

A prisoner, who is an alien and subject to deportation, may be released on parole on the express conditions that he be deported and that he remain outside of the jurisdiction of the United States. Any such prisoner, when his parole becomes effective, shall be delivered to a duly authorized immigration official for deportation. Alien prisoners who are deemed fit for release into community supervision by the Board, even though they may eventually be deported under detainers filed against them, may be paroled generally; provided, that immigration authorities shall be notified of all such general paroles, as well as other forms of release, and of the effective date of such releases as established by orders of the Board. In such cases, the Board may parole the prisoner subject either "to the immigration detainer only" or "to the immigration detainer or an approved plan should the detainer be lifted."

§ 2.11 Application by prisoner.

A prisoner, other than a juvenile delinquent or a committed youth offender, desiring to apply for a parole shall execute such form or forms as may be prescribed by the Board. Such forms shall be available at each Federal institution and shall be provided to prisoners eligible for parole. Juvenile delinquents and committed youth offenders shall not apply for parole. Instead, regular hearings, which may not be waived, shall be scheduled for each juvenile and committed youth offender by the Youth Correction Division. The Division may order parole as the result of any such hearing or may order a later review of the adjustment of the juvenile or youth concerned.

§ 2.12 Withheld and forfeited good time.

(a) Section 4202 of Title 18 of the United States Code permits Federal prisoners to be paroled if they have observed the rules of the institution in which they are confined and if they are otherwise eligible for parole. Any forfeiture of statutory good time shall be deemed to indicate that the prisoner has violated the rules of the institution to a serious degree, and a parole will not be granted in any such case in which such a forfeiture remains effective against the prisoner concerned. Any withholding of statutory good time shall be deemed to indicate that the prisoner has engaged in some less serious breach of the rules of the institution. Nevertheless, parole will not usually be granted unless and until such good time has been restored.

(b) Neither a forfeiture of good time nor a withholding of good time shall bar a prisoner from applying for and receiving a parole hearing.

§ 2.13 Delegation to hearing examiners.

(a) As provided below, the Board of Parole may delegate to hearing examiners the authority to make decisions relative to the granting or denial of parole or reparole; and revocation or reinstatement of parole or mandatory release.

(b) Hearing examiners shall function as two-man panels and the concurrence of both examiners shall be required for their decision. In the event of a split decision by the panel, the appropriate regional Administrative Hearing Examiner shall cast the deciding vote.

(c) When a hearing examiner panel proposes to make a decision which falls outside of explicit guidelines for parole decisionmaking promulgated by the Board, the concurrence of the appropriate regional Administrative Hearing Examiner is required.

(d) In the event the Administrative Hearing Examiner is serving as a member of a hearing examiner panel or is otherwise unavailable, cases requiring his action under paragraphs (b) or (c) of this section will be referred to another hearing examiner.

(e) However a Regional Director may review the decision of any examiner panel and submit this decision, prior to written notification to the prisoner, with his recommendation and vote to the National Appellate Board for reconsideration and any action it may deem appropriate. Written notice of this reconsideration action shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing.

(f) All decisions made under paragraphs (b) and (c) of this section and the action of the National Appellate Board under paragraph (e) of this section shall be subject to a prisoner's right of appeal as provided in §§ 2.20 and 2.21.

§ 2.14 Reports considered.

Decisions as to whether a parole shall be granted or denied shall be determined on the basis of the application, if any, submitted by the prisoner, together with the classification study and all reports assembled by all the services which shall have been active in the development of the case. These reports may include the reports by the prosecuting officer and the sentencing judge, records from the Federal Bureau of Investigation, report from the officials in each institution in which the applicant shall have been confined, all records of social agency contacts, and all correspondence and such other records as are necessary or appropriate for a complete presentation of the case. Before making a decision as to whether a parole should be granted or denied in any particular case, the Board will consider all available relevant and pertinent information concerning the case. The Board encourages the submission of such information by interested persons.

§ 2.15 Initial hearing.

(a) Initial hearings shall be conducted by examiners designated by the Board. The examiner panel shall inform the prisoner of the decision and, if parole is denied, of the reasons therefor. This decision of the examiner panel, subject to the provisions of § 2.13(b) and (c), shall be final unless action is initiated by the Regional Director pursuant to § 2.13(e).

(b) In accordance with § 2.2, the reasons for parole denial may include, but are not limited to, the following reasons with further specification where appropriate:

(1) Release at this time would depreciate the seriousness of the offense committed and would thus be incompatible with the welfare of society.

(2) There does not appear to be a reasonable probability at this time that the prisoner would live and remain at liberty without violating the law.

(3) The prisoner has (a serious) (repeated) disciplinary infraction(s) in the institution.

(4) Additional institutional treatment is required to enhance the prisoner's capacity to lead a law-abiding life.

(c) Written notification of the decision shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing. If parole is denied, the prisoner shall also receive in writing as part of the decision the reasons therefor.

§ 2.16 Communication with the Board.

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Board of Parole must submit a written request to the appropriate regional office setting forth the nature of the information to be discussed.

§ 2.17 Review hearings.

All hearings subsequent to the initial hearing shall be considered as review hearings. Review hearings by examiners designated by the Board shall be scheduled for each Federal institution, and prisoners shall appear for such hearings in person, except those with continuance of six months or less. Such cases shall be considered by an examiner panel on the basis of the prisoner's record and a written institutional report. Notification of review hearing decisions shall be given as set forth in § 2.15.

§ 2.18 Hearing procedure.

(a) Prisoners shall be given written notice of the time and place of the hearing described in § 2.15 and § 2.17. Prisoners may be represented at hearings by a person of their choice. The function of the prisoner's representative shall be to offer a statement at the conclusion of the interview of the prisoner by the examiner panel and to provide such additional information as the examiner panel shall request. Interested parties who oppose parole may select a representative to appear and offer a statement. The presiding hearing examiners shall limit or exclude any irrelevant or repetitious statement.

(b) No interviews with the Board, or any representative thereof, shall be granted to a prisoner unless his name is docketed for a hearing in accordance with Board procedures. Hearings shall not be open to the public, and the records of all such hearings shall be treated as confidential and shall not be open to inspection by the prisoner concerned, his representative or any other unauthorized person.

§ 2.19 Parole of prisoner in state or territorial institutions.

Any person who has been convicted of any offense against the United States, which is punishable by imprisonment but who is confined therefor in a state reformatory or other state or territorial institution, shall be eligible for parole by the Board on the same terms and conditions and by the same authority, and subject to recommital for the violation of such parole as though he were confined in a Federal penitentiary, reformatory, or other correctional institution. However, a prisoner who is serving concurrent state and federal sentences in a state institution may be considered for parole by an examiner panel on the record only.

§ 2.20 Appeal of hearing panel decision.

(a) A prisoner may file with the responsible Regional Director a written request for appeal of a hearing panel decision to grant, deny, or revoke parole or to revoke mandatory release. This request for appeal must be filed within thirty days from the entry of such decision. The appeal shall be considered by the Regional Director who may affirm the decision, order a new institutional hearing, order a regional appellate hearing, reverse the decision, or modify a continuance or the effective date of parole. Reversal of an examiner panel decision or the modification of such a decision by more than ninety days, whether based upon the record or following a regional appellate hearing, shall require the concurrence of two out of three Regional Directors. Appeal decisions requiring a second or additional vote shall be referred to other Regional Directors on a rotating basis.

(b) Attorneys, relatives, or other interested parties who wish to appear for (or against) a prisoner at a regional appellate hearing must submit a written request to the responsible Regional Director.

(c) If no request for appeal is made within thirty days of entry of the original decision, this decision shall stand as the final decision of the Board.

§ 2.21 Appeal to National Appellate Board.

(a) A prisoner may file a written appeal of the Regional Director's decision with the National Appellate Board. The appeal must be submitted within thirty days after the entry of the Regional Director's written decision. The National Appellate Board may, upon the concurrence of two members, affirm, modify, or reverse the decision, or order a rehearing at the institutional or regional level.

(b) Decisions of the National Appellate Board shall be final.

§ 2.22 Original jurisdiction cases.

(a) A Regional Director may designate certain cases to be within the original jurisdiction of the Regional Directors. All original jurisdiction cases shall be heard by a panel of hearing examiners who shall follow the procedures provided in § 2.18. A summary of this hearing and any additional comments that the hearing examiners may deem germane shall be submitted to the five Regional Directors. The Regional Directors shall by a majority vote serve as the original decisionmakers.

(b) The following criteria will be used in designating cases for the original jurisdiction of the Regional Directors:

(1) National Security. Prisoners who have committed serious crimes against the security of the nation, e.g., espionage or aggravated subversive activity.

(2) Organized Crime. Prisoners who in the Board's judgment were professional criminals or played a significant role in organized criminal activity.

(3) National or unusual interest. Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial or prisoner status, or because of the community status of the offender or his victim.

(4) Long-term sentences. Prisoners sentenced to a maximum term of twenty-five years (or more), or prisoners serving a life sentence.

§ 2.23 Appeal of original jurisdiction decisions.

(a) Cases decided under the procedure specified in § 2.22 may be appealed within thirty days of the entry of the decision to the National Appellate Board. The National Appellate Board, upon the concurrence of two members may affirm the decision or schedule the case for hearing before the entire Board at its next quarterly meeting. A quorum of six members shall be required and all decisions shall be by a majority vote. The Chairman shall vote on the decision only in the absence of a member. This appellate decision shall be final.

(b) Attorneys, relatives, or other interested parties who wish to speak for or against parole at this appeal hearing must submit a written request to the Chairman of the Board.

(c) If no request for appeal is made within thirty days of the entry of the Regional Directors' decision, this decision shall stand as the final decision of the Board.

§ 2.24 Consideration by the Board.

In the exercise of its discretion, the Board generally considers, but is not limited to, the following factors:

(a) *Sentence data.* (1) Type of sentence.

(2) Length of sentence.

(3) Recommendations of judge, U.S. Attorney, and other responsible officials.

(b) *Present offense.* (1) Facts and circumstances of the offense.

(2) Mitigating and aggravating factors.

(3) Activities following arrest and prior to confinement, including adjustment on bond or probation, if any.

(c) *Prior criminal record.* (1) Nature and pattern of offenses.

(2) Adjustment to previous probation, parole, and confinement.

(3) Detainers.

(d) *Changes in motivation and behavior.* (1) Changes in attitude toward self and others.

(2) Reasons underlying changes.

(3) Personal goals and description of personal strength or resources available to maintain motivation for law-abiding behavior.

(e) *Personal and social history.* (1) Family and marital history.

(2) Intelligence and education.

(3) Employment and military experience.

(4) Physical and emotional health.

(f) *Institutional experience*—(1) *Program goals and accomplishments.* (A) Academic.

(B) Vocational education, training or work assignments.

(C) Therapy.

(2) *General adjustment.* (A) Interpersonal relationships with staff and inmates.

(B) Behavior, including misconduct.

(g) *Community resources, including release plans.* (1) Residence; live along, with family, or others.

(2) Employment, training, or academic education.

(3) Special needs and resources to meet them.

(h) *Use of scientific data and tools.* (1) Psychological and psychiatric tests and evaluations.

(2) Statistical parole experience tables (salient factor score).

(i) *Decision guidelines.* The Board shall adopt and periodically review explicit guidelines for parole decisionmaking to insure consistent treatment of similarly situated offenders.

(j) *Comments by hearing examiners.* Evaluative comments supporting a decision, including impressions gained from the hearing.

§ 2.25 Release plans.

(a) In general, the following factors should be present before a prisoner is released after parole has been granted.

(1) There should be available to the parolee an adviser who is a responsible citizen living in or near the community in which the parolee will reside. The probation officer may serve as such adviser in appropriate cases with approval of the Board;

(2) There should be satisfactory evidence that the prospective parolee will be legitimately employed following his release; and

(3) There should be satisfactory assurance that necessary after care will be available to a parolee who is ill or who has some other demonstrable problem which requires special care.

(b) Generally, parolees will be released only to the place of their legal residence unless the Board is satisfied that another place of residence will serve the public interest more effectively or will improve the probabilities of the applicant's readjustment. Any of the requirements described in paragraphs (a) and (b) of this section may be waived by the Board whenever circumstances warrant such waiver.

(c) Insofar as it is practicable, the details of each plan for release shall be verified by a field investigation by the United States Probation Officer of the district into which release will be made.

§ 2.26 Release; discretionary power of Board.

When an effective date has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for his supervision. The appropriate Regional Director may, on his own motion, reconsider any case prior to release and may reopen and advance, postpone, or rescind a parole which has been granted. If such a previously granted parole is rescinded, or postponed for more than sixty days, the prisoner will be given a new hearing in accordance with § 2.18, except that a postponement for development and approval of release plans up to one hundred and twenty days may be had without a new hearing. The Board, or a member thereof, may add to or modify the conditions of parole at any time.

§ 2.27 Reopening of cases.

Notwithstanding the appeal procedure of §§ 2.20 and 2.21, the appropriate Regional Director may on his own motion reopen any case at any time upon the receipt of new information of substantial significance. Original jurisdiction cases may be reopened under the procedure of this section on the motion of two out of three Regional Directors.

§ 2.28 Petition for consideration of parole prior to date set at hearing.

When a prisoner has met the minimum time of imprisonment required by law, the Bureau of Prisons may petition the responsible Regional Director for consideration of parole prior to the date set by the Board at the initial or review hearing. The petition must show cause why it should be granted, i.e., an emergency, hardship, or other extraordinary circumstances exist that would warrant consideration of early parole.

§ 2.29 Community supervision by United States Probation Officers.

Pursuant to section 3655 of Title 18 of the United States Code, United States Probation Officers are required to provide such parole services as the Attorney General may request. The Attorney General has delegated his authority in this regard to the Board (28 CFR 0.126 (b)). In conformity with the foregoing, probation officers function as parole officers and provide supervision to parolees and mandatory releases under the Board's jurisdiction.

§ 2.30 Same; sponsorship of parolees.

It is the policy of the Youth Correction Division to cooperate with groups desiring to serve as sponsors of parolees. The functions and responsibilities of sponsors are prescribed by rules and regulations adopted by the Division. In all cases, sponsors are subordinate to and cooperate with probation officers to whom the parolees are assigned.

§ 2.31 Same; changes in parole plan.

A parole plan approved by the Board with respect to a prisoner may be changed after release of the prisoner upon application by a probation officer and approval by the Board.

§ 2.32 Same; travel by parolees and mandatory releasees.

Except as otherwise provided in this section, it is the general rule of the Board that a parolee may travel outside his supervision district only with the prior approval of the Board. Travel outside a district without prior Board approval may be authorized by a probation officer subject to the following-described limitations.

(a) Board approval shall be required for vacation trips outside the district.

(b) Board approval shall be required for recurring travel outside the district, except in cases involving parolees who cross district boundaries to engage in or seek employment or for shopping or recreation, if such travel is not more than fifty miles from the district line.

(c) Board approval shall be required for travel outside the continental limits of the United States, including travel or work aboard ship.

(d) Board approval shall be required in any case in which specific travel conditions have been imposed upon the parolee by the Board.

Board approval shall not be required for temporary leave to enter another district for a period not to exceed twenty days to investigate reasonably certain employment possibilities, if such leave shall have been approved by the probation officer concerned.

§ 2.33 Same; supervision reports.

All parolees and mandatory releasees shall make such reports to the United States Probation Officers to whom they have been assigned as may be required by the Board. On the basis of summary reviews of the progress of parolees, submitted in accordance with Board procedures, the Board may modify the reporting requirement of parolees and releasees.

§ 2.34 Duration of period of community supervision.

Any prisoner, with the exception of those sentenced prior to June 29, 1932, who is paroled under the provisions of laws relating to parole, shall continue on parole until the expiration of the maximum term or terms specified in his sentence without deductions of allowance for good time. Prisoners sentenced prior to June 29, 1932, shall receive reductions in their maximum term or terms of imprisonment for such good time allowances as may be authorized by law.

§ 2.35 Committed fines.

In any case in which a prisoner shall have had a fine imposed upon him by the committing court for which he is to stand committed until it is paid or until he is otherwise discharged according to law, such prisoner shall not be released on parole or mandatory release until payment of the fine is resolved according to law.

§ 2.36 Mandatory release in the absence of parole.

Whenever an applicant shall have been denied a parole and there shall have been no subsequent change in the Board's order of denial such individual shall be released by operation of law. Such mandatory release shall occur at the end of the sentence imposed by the court less such good time and extra good time deductions as he may have earned through his behavior and efforts at the institution of confinement. He shall be released as though on parole, with supervision until the expiration of the maximum term or terms for which he was sentenced less one hundred and eighty days. Insofar as possible release plans shall be completed before the release of any such prisoner and he shall be continued under supervision for any period in excess of one hundred and eighty days which remains of his term, under such conditions as may be prescribed by the Board.

§ 2.37 Same; youth offenders.

A prisoner committed under the Youth Corrections Act must be released conditionally under supervision not later than two years before the expiration of the term imposed by the court.

§ 2.38 Revocation of parole or mandatory release.

(a) If a parolee or mandatory releasee violates any of the conditions under which he shall have been released, and satisfactory evidence thereof is presented

to the Board, or a member thereof, a warrant may be issued and the offender returned to an institution. Warrants shall be issued only by the Board, or a member thereof.

(b) A warrant for the apprehension of any parolee shall be issued only within the maximum term or terms for which the prisoner was sentenced.

(c) A warrant for the apprehension of any mandatory releasee shall be issued only within the maximum term or terms for which the prisoner was sentenced, less one hundred and eighty days.

§ 2.39 Same; youth offenders.

In addition to issuance of a warrant on the basis of violation of any of the conditions of release, the Youth Correction Division may, when the Division is of the opinion that such youth offender would benefit by further treatment, direct his return to custody or issue a warrant for his apprehension and return to custody. Upon return to custody, such youth offender shall be given an opportunity to appear before the Division, or hearing examiner(s). The Division may then, or at its own discretion, revoke its order of conditional release.

§ 2.40 Same; warrant placed as detainer and dispositional interview.

(a) In those instances where the prisoner is serving in an institution on a new sentence, the warrant may be placed there as a detainer. The prisoner shall be advised that he may communicate with the Board relative to disposition of the warrant. Should further information be deemed necessary, the Regional Director may designate a hearing examiner to conduct a dispositional interview at the institution where the prisoner is confined. At such dispositional interview, the prisoner may be represented by counsel of his own choice and may call witnesses in his own behalf, provided that he bears their expenses. He shall be given timely notice of the dispositional interview and its procedure.

(b) Following the interivew, the Regional Director may withdraw the warrant, let the warrant stand, or execute the warrant. If the warrant is executed, the prisoner shall be given a revocation hearing.

(c) In all cases, including those where a dispositional interivew is not conducted, the Board shall conduct annual reivews relative to the disposition of the warrant. These decisions will be made by the Regional Director. The Board shall request periodic reports from institution officials for its consideration.

§ 2.41 Same; execution of warrant; notice of alleged violations.

(a) Any officer of any Federal correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant shall be delivered shall execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. Delivery of the warrant to a Federal officer shall be considered completed when the warrant is signed and placed in the mail at the Board headquarters or regional office before the expiration of the maximum term of sentence.

(b) On arrest of the prisoner the officer executing the warrant shall deliver to him a copy of the Warrant Application listing the alleged violations of parole or mandatory release upon which the warrant was issued.

§ 2.42 Same; unexpired term of imprisonment.

Service of the unexpired term of imprisonment of any such prisoner shall begin to run on the date he is returned to the custody of the Attorney General under a violator warrant, and the time the prisoner was on parole or mandatory release shall not diminish the time he was sentenced to serve.

§ 2.43 Revocation by the Board.

(a) A prisoner who is retaken on a warrant issued by a Board Member shall be given a preliminary interview by an official designated by the Board. This preliminary interview shall be held prior to the possible return of the prisoner to a Federal institution. Following receipt of a summary or digest of the preliminary interview, the Board or a member thereof, unless he decides to reinstate the prisoner to parole or mandatory release supervision, shall give the prisoner an opportunity to appear at a revocation hearing before a hearing examiner panel designated by the Board.

(b) If the prisoner requests a local hearing prior to his return to a Federal institution, he shall be given a revocation hearing reasonably near the place of an alleged violation if the following conditions are met: (1) The local hearing would facilitate the production of witnesses or the retention of counsel; (2) the prisoner has not been convicted of a crime committed while under community supervision; and (3) the prisoner denies that he has violated any condition of his release. Otherwise, he shall be given a revocation hearing after he is returned to a Federal institution.

(c) Following the revocation hearing, parole or mandatory release may be reinstated, revoked, or the terms and conditions thereof may be modified. If the parole or mandatory release is revoked, the prisoner shall receive a written statement of the reasons for revocation and the evidence upon which the decision was based. Whenever parole or mandatory release is revoked, the prisoner may be required to serve all or any part of the remaining term for which he was originally sentenced, less such good time as he may earn following his recommitment.

(d) The decision resulting from a revocation hearing shall be subject to a prisoner's right to appeal as provided in §§ 2.20 and 2.21 or 2.23.

§ 2.44 Same; legal counsel and witnesses at preliminary interviews and revocation hearings.

(a) Each alleged parole or mandatory release violator shall be advised that he may be represented by counsel at the preliminary interview, the revocation hearing, or both, as authorized by § 2.43, and that he may present documentary evidence and testimony of voluntary witnesses who have relevant and material information. The alleged violator must, however, arrange for the appearance of counsel and witnesses and presentation of documentary evidence. The presiding hearing examiner shall limit or exclude any irrelevant or repetitious statement.

(b) Such alleged violator shall also be advised that if he is financially unable to retain counsel, he may make application to the United States District Court, which court may in its discretion appoint counsel to represent him if it finds that he is financially unable to retain counsel and that the interests of justice require appointment of counsel for the preliminary interview or revocation hearing, or both.

(c) When the alleged violator has not been convicted of a new criminal offense while under supervision and does not admit violation of any of the conditions of his parole or mandatory release, the Board shall on request of the alleged violator or, on its own motion, ask adverse witnesses, i.e., persons whose testimony would support revocation, to attend the preliminary interview or the revocation hearing to permit cross-examination. However, such an adverse witness need not appear for confrontation and cross-examination if the hearing officer or examiner panel finds good cause for his nonappearance.

§ 2.45 Discharge from supervision.

When the Board shall have modified the reporting requirement of a parolee and a period of at least one year shall have passed since the modification occurred, the Board may further order that the parolee be released from all supervision by the probation officer. In such cases, however, the parolee may be reinstated to supervision, or a warrant may be issued for him as a violator at any time prior to the expiration of the sentence or sentences imposed by the court.

§ 2.46 Same; youth offenders.

A committed youth offender may remain under supervision until the expiration of his sentence or he may be unconditionally discharged at any time after one year of continuous supervision or parole.

§ 2.47 Setting aside of conviction.

When an unconditional discharge has been granted to a youth offender prior to the expiration of his maximum term of sentence, his conviction shall be automatically set aside and the Division shall issue to the youth offender a certificate to that effect.

§ 2.48 Jurisdiction over District of Columbia prisoners.

Whenever a prisoner who was convicted in the District of Columbia is confined in, or as a parolee is returned to, a penal or correctional institution other

than an institution of the District of Columbia, the Board shall exercise the same power and authority with respect to that prisoner as the Board of Parole for the District of Columbia would exercise with respect to him if the prisoner had been confined in or returned to an institution of the District of Columbia.

§ 2.49 Jurisdiction over District of Columbia committed youth offenders.

The Youth Corrections Act (18 U.S.C. Ch. 402) applies to youth offenders convicted in the District of Columbia. Committed youth offenders convicted in the District of Columbia, wherever they may be undergoing treatment, are subject to all the provisions of the Youth Corrections Act and are therefore under the jurisdiction of the Youth Correction Division as provided in that Act.

§ 2.50 Confidentiality of parole records.

To the end that the objectives and procedures of professionalized parole may be advanced and, more specifically, so that the channels of information vital to sound parole actions may be kept open and that offenders released on parole may be protected against publicity deleterious to their adjustment, the following principles relating to the confidentiality of parole records shall be followed by the Board:

(a) Dates of sentence and commitment, parole eligibility dates, mandatory release dates, and dates of termination of sentence will be disclosed in individual cases upon proper inquiry by a party in interest.

(b) Whther an inmate is being considered for parole, has been granted or denied parole, and if granted parole, the effective date set by the Board may be disclosed by the Board in its discretion whenever the public interest is deemed to require it.

(c) Who, if anyone, has supported an application for parole may be revealed at the Board's discretion only in the most exceptional circumstances, with the express approval of such person(s), and after a decision to grant parole has been made.

(d) Other matters contained in parole records will be held strictly confidential and will not be disclosed to unauthorized persons.

§ 2.51 Mental competency proceedings.

(a) Whenever a prisoner is scheduled for a hearing in accordance with the provisions of this part and reasonable doubt exists as to his mental competency, i.e., his ability to understand the nature of and participate in scheduled proceedings, a preliminary hearing to determine his mental competency shall be conducted by a panel of hearing examiners designated by the Board of Parole.

(b) At the competency hearing, the hearing examiners shall receive oral or written psychiatric testimony and other evidence that may be available. A preliminary determination of the prisoner's mental competency shall be made upon the testimony, evidence and the hearing examiners' personal observations of the prisoner. If the examiners determine that the prisoner is mentally competent, the previously scheduled hearing shall be held. If they determine that the prisoner is not mentally competent, the previously scheduled hearing shall be tentatively postponed.

(c) Whenever the hearing examiners determine that a person is incompetent and postpone the previously scheduled hearing, they shall forward the record of the preliminary hearing with their findings to the Regional Director for review. If the Regional Director concurs with their findings, he shall order the tentatively postponed hearing to be postponed indefinitely until such time as it is determined that the prisoner has recovered sufficiently to understand the nature of and participate in the proceedings. In any such case, the Regional Director shall require a progress report at least every six months on the mental health of the prisoner. When the Regional Director determines that the prisoner has sufficiently recovered, he shall reschedule the hearing for the earliest possible date.

(d) If the Regional Director disagrees with the findings of the hearing examiners as to the mental competency of the prisoner, he shall take such action as he deems appropriate.

Dated September 14, 1973.

MAURICE H. SIGLER,
Chairman,
U.S. Board of Parole.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Proposed Family Contribution Schedules for Use in Academic Year 1974–1975

No. 181—Pt. III——1

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 190]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules for Use in Academic Year 1974–75

Pursuant to the authority contained in Subpart I of Part A of Title IV of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a) notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education and Welfare, proposes to issue the following regulations under Part 190 of Title 45 of the Code of Federal Regulations, covering the basis for determining the expected family contributions toward the education of both dependent and independent students for awards to be received during academic year 1974–75. The regulations appear below in their entirety. The previous set of regulations describing Family Contributions for the Basic Educational Opportunity Grant Program for use during academic year 1973–74, were published in the FEDERAL REGISTER on Monday, June 11, 1973 (38 FR 15418–15427).

These regulations are being submitted in advance of the February 1 deadline specified in the Higher Education Act of 1965 as amended so that the required Congressional review of the Schedules may be completed earlier than the May 1 date specified in the statute. It is the opinion of the Commissioner that the May 1 deadline for the Congressional action does not permit students, parents, and educational institutions sufficient time to make effective decisions concerning the packaging of student financial aid resources.

This opinion is also shared by the House Special Subcommittee on Education, which has introduced H.R. 9196. This Bill, if adopted, would require that the Commissioner submit the Schedule of Family Contributions to be used for Fiscal Year 1975 no later than August 15, 1973, and not later than July 1 in succeeding years. Further, the Bill would give the Congress until December 15, 1973, for Fiscal Year 1975, and until November 1 in succeeding years, to review the proposed Schedule.

Although this Bill has not yet been enacted into law, the Commissioner is submitting the Family Contribution Schedules at this time. Further, the completion of the Congressional review before December 15 is clearly in the best interest of students, parents, and institutions of higher education and, therefore, is sought for these Schedules.

The Schedules submitted for use in academic year 1974–75 are identical to those in use during academic year 1973–74. It is realized that changes in the Family Contribution Schedules will need to be considered as comments are received by the Office of Education on the basis of experience gained regarding the effect of the Schedules during academic year 1973–74.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to Peter K. U. Voigt, Acting Coordinator, Basic Educational Opportunity Grants, U.S. Office of Education, Room 4010, Federal Office Building No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202, on or before November 23, 1973. Comments received will be available for public inspection at the above office Monday through Friday between 8:00 a.m. and 4:30 p.m.

(The Catalogue of Federal Domestic Assistance number for this program is 13.539, Basic Educational Opportunity Grant Program.)

Dated August 27, 1973.

PETER P. MUIRHEAD,
U.S. Commissioner of Education.

Approved September 19, 1973.

CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare.

Subpart C—Expected Family Contribution for Dependent Students

AUTHORITY: Subpart 1 of Part A of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

Subpart C—Expected Family Contribution for Dependent Students

§ 190.31 Indicators of financial strength.

"Expected family contribution" with respect to each dependent student means the amount which the family of that student may reasonably be expected to contribute toward the cost of his education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for dependent students:

(a) The amount of the effective income of the student.

(b) The amount of the effective income of the student's parent(s).

(c) The number of dependents of the student's parent(s).

(d) The number of dependents of the student's parent(s) who are in attendance, on at least a half-time basis, in a program of postsecondary education.

(e) The amount of assets of the student.

(f) The amount of assets and other assets of the student's parent(s).

(g) Unusual expenses of the student and the unusual expenses of the student's parent(s). Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.

(h) The additional expenses incurred in providing an income when two parents are employed or when a family is headed by a single parent.

(20 U.S.C. 1070a(a)(3)(B)(ii).)

§ 190.32 Special definitions.

For purposes of this subpart:

(a) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, any other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the student's parents and by the student.

(b) "Other assets" means consumer durables and personal assets such as automobiles, boats, art objects, electronic sound and visual equipment, jewelry, antiques, and cameras, each of which has a value of $500 or more.

(c)(1) "Annual adjusted family income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student's parents, investment income of the student's parents upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the parents upon which no Federal income tax is required to be paid such as child support payments, income of the parents received under income maintenance programs including welfare benefits, social security benefits except those benefits paid to or on account of the student included in paragraph (f) of this section, and Veteran's benefits except those veteran's benefits paid under chapters 34 and 35 of title 38 of the United States Code.

(2) In the case of the student whose parents are divorced, or are separated and file separate returns for Federal income tax puposes, only the income as described in paragraph (c)(1) of this section of the parent claiming or eligible to claim the student as an exemption for Federal income tax purposes for the base year shall be considered in determining the annual adjusted family income. If no parent claims or is eligible to claim the student as an exemption for Federal income tax purposes, the income of both parents shall be combined to determine the annual adjusted family income.

(3) In the case of the student whose parents are married and not separated but file separate returns for Federal income tax purposes, the income as described in paragraph (c)(1) of this section of both parents shall be combined to determine the annual adjusted family income for that student.

(d) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(e) "Dependent student" means any student who does not qualify as an independent student as defined in § 190.42 (a).

(f) "Effective income of the student" means any amount paid to, or on account of, the student under the Social Security Act which would not be paid if he were not a student, i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d), and one-half of any amount paid the student under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code (War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which Basic Grant assistance is requested.

(20 U.S.C. 1070a(a)(3)(B)(iv).)

(g) "Effective family income" of a student's parents means the annual adjusted family income received for the base year minus the Federal income tax paid or payable with respect to such income during the base year.

(20 U.S.C. 1070a(a)(3)(B)(iii).)

(h) "Employment expenses offset" means an allowance to meet expenses relating to employment where both parents are employed or where one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(i) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(20 U.S.C. 1070a(a)(3)(B)(ii)(V).)

(j) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of a family. For purposes of this part the "Weighted Average Threshold at the Low Income Level," as developed by the Social Security Administration shall be used as a basis to determine the amount for the family size offset.

(k) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a)(3)(B)(iii).)

(l) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(m) "Net assets" means the current market value of the assets included in paragraph (a) of this section, minus the outstanding liabilities (indebtedness) against such assets at the time of application.

(n) "Net other assets" means the current market value of the assets, included in paragraph (b) of this section, minus the outstanding liabilities (indebtedness) against such assets at the time of application.

(o) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes for the base year, in which case such person shall be considered the parent.

(20 U.S.C. 1070a(a)(3)(B) unless otherwise noted.)

§ 190.33 The expected family contribution for dependent students from parents' income.

The expected family contribution for dependent students from parents' income for each grant shall be an amount determined in the following manner:

(a) Add to annual adjusted family income the effective income of the student attributable to the dependents of the student who is a veteran.

(b) Determine effective family income by subtracting from the amount determined in paragraph (a) of this section the amount of Federal income tax paid or payable with respect to such income.

(c) Determine discretionary income by deducting the following from effective family income:

(1) *Family size offset.* A family size offset in the amount specified in the following table. Family size includes the student, the student's parents and persons for whom the parents may claim an exemption under section 151 of the Internal Revenue Code. Family size is to be determined for the base year. If the parents are divorced or separated, family size shall include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and his or her exemptions.

FAMILY SIZE OFFSETS

Family size	*Dollar amount*
2	2,800
3	3,350
4	4,300
5	5,050
6	5,700
7	6,300
8	7,000
9	7,700
10	8,400
11	9,100
12	9,800

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses and losses resulting from catastrophes incurred in the base year and not compensated by insurance exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the student and any parent (and any persons for whom an exemption was claimed by that parent) whose income is taken into account for the purpose of computing the annual adjusted family income.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by the parent earning the lesser income if both parents are employed, or 50 percent of the adjusted gross income of a parent qualifying as surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed $1,500. The expense may be claimed only if the income of both parents or the income of the surviving spouse or head of household is taken into account for the purposes of computing the annual adjusted family income.

(d) To determine the expected family contribution from parental income the following rates shall be applied to discretionary income:

$0	(No contribution expected.)
$1 to 4,999	20 percent of Discretionary Income.
$5,000 or more	$1,000 plus 30 percent of Discretionary Income in excess of 5,000.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.34 Computation of standard expected contribution from parents' assets.

(a) The expected contribution from parental assets shall be an amount determined in the following manner:

(1) Determine the net assets owned by the parents.

(2) If the amount of discretionary income determined in paragraph (c) of § 190.33 is a negative amount, subtract that amount from the amount of net assets determined in paragraph (a)(1) of this section.

(3) Deduct an asset reserve of $7500 from net assets as determined in paragraph (a)(1) or paragraph (a)(2) of this section whichever is applicable.

(4) The contribution from parental assets shall be an amount equal to 5 percent of the remainder obtained in paragraph (a)(3) of this section.

(b) If the student's parents are divorced or separated only the assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.35 Computation of standard expected contribution from parents' other assets.

(a) The expected contribution from other parental assets shall be an amount determined in the following manner:

(1) Determine the total amount of net other assets owned by the parents and deduct from that amount an asset reserve of $7,500.

(2) The contribution from other parental assets shall be an amount equal to 5 percent of the remainder obtained in subparagraph (1) of this paragraph.

(b) If the student's parents are divorced or separated only the other assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(20 U.S.C. 1070a(a) (3) (B).)

§ 190.36 Computation for expected contribution from parents' income, assets, and other assets adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from parents' income as determined in § 190.33 shall be added to the amount expected from parents' assets as determined in § 190.34 and parent's other assets as determined in § 190.35.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is required:

Number of family members attending institutions of postsecondary education	*Expected contribution from combined contribution per student*
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members include the student, the student's parents and persons for whom the parent may claim an exemption under section 151 of the Internal Revenue Code. When the student's parents are divorced or separated and are filing separate returns for Federal income tax purposes, family members shall include the student and any parent whose income is taken into account for the purpose of computing annual adjusted family income and his or her exemptions.

(20 U.S.C. 1070a(a) (3) (B).)

§ 190.37 Computation of expected contribution from the student's effective income.

The expected family contribution shall include 100 percent of the student's effective income for the academic year for which aid is requested; except that, that portion of effective income of the student attributable to the dependents of a veteran shall instead be included as a part of, and treated as, annual adjusted family income.

(20 U.S.C. 1070a(a) (3) (B).)

§ 190.38 Computation of expected contribution from student's assets.

For each grant the contribution from the student's assets shall be an amount equal to 33 per centum of his net assets as defined in § 190.32(m).

(20 U.S.C. 1070a(a) (3) (B).)

§ 190.39 Computation of the total expected family contribution.

For each grant the total expected family contribution shall be the sum of:

(a) The expected contribution from parents' discretionary income, parents' assets, and other assets as determined in § 190.36.

(b) The expected contribution from the student's effective income as determined in § 190.37, and

(c) The expected contribution from the student's assets as determined in § 190.38.

Subpart D—Expected Family Contribution for Independent Students

Sec.

AUTHORITY: Subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

Subpart D—Expected Family Contribution for Independent Students

§ 190.41 Indicators of financial strength.

"Expected Family Contribution" with respect to each independent student means the amount which that student, and his or her spouse, if any, may reasonably be expected to contribute toward the cost of his or her education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for independent students:

(a) The amount of effective income of the independent student.

(b) The amount of annual adjusted family income of the independent student and the independent student's spouse.

(c) The number of persons whom the independent student can claim as an exemption.

(d) The number of dependents of the independent student who in addition to the student will be in attendance, on at least a half-time basis, in a program of postsecondary education.

(e) The amount of the assets and the other assets of the independent student and his or her spouse.

(f) The unusual expenses of the independent student, and his or their dependents. Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.

(g) The additional expenses incurred in providing an income where both the independent student and his spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(20 U.S.C. 1070a(a) (3) (C).)

§ 190.42 Special definitions.

For the purposes of this subpart:

(a) "Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested,

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(3) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

(b) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, and other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the independent student and/or his spouse.

(c) "Other assets" means consumer durables and personal assets such as automobiles, boats, art objects, electronic sound and visual equipment, jewelry, antiques, and cameras, each of which has a value of $500 or more.

(d) (1) "Annual Adjusted Family Income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student and the student's spouse, investment income upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the student and the student's spouse upon which no Federal income tax is required to be paid such as child support payments, income of the student and the student's spouse received under income maintenance programs including welfare benefits, social security benefits except those benefits paid to or on account of the student included in paragraph (g)

of this section, and veteran's benefits except those veteran's benefits paid to the independent student under chapters 34 and 35 of title 38 of the United States Code.

(2) In the case of the student who is divorced, or is separated and files a separate return for Federal income tax purposes, only the student's own income shall be considered in determining the annual adjusted family income.

(3) In the case where the student and his spouse are married and not separated but file separate returns for Federal income tax purposes, the income as described in paragraph (d)(1) of this section of both the applicant and spouse shall be combined to determine the annual adjusted family income for that student.

(e) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(f) "Dependent" means the independent student's spouse and such other persons who are eligible to be claimed as an exemption for Federal income tax purposes by the student during the base year.

(g) The "effective income of the student" means any amount paid to, or on account of, the student under the Social Security Act which would not be paid if he were not a student; i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d), and one-half of any amount paid the student under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code (War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which basic grant assistance is requested.

(h) "Effective family income" means the annual adjusted family income received during the base year minus the Federal income tax paid or payable with respect to such income.

(i) "Employment expense offset" means an allowance to meet expenses relating to employment where both the independent student and his or her spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(j) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred by the independent student and his dependents during the base year.

(k) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of the independent student and his dependents. For purposes of this part the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration, shall be used as a basis to determine the amount for the family size offset except in the case of a single independent student, where an amount estimated to be equal to living expenses during periods of nonenrollment shall be utilized.

(l) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a)(3)(B)(iii).)

(m) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code, which were incurred by the independent student and his dependents during the base year.

(n) "Net assets" means the current market value at the time of application of the assets included in paragraph (b) of this section minus the outstanding liabilities (indebtedness) against such assets.

(20 U.S.C. 1070a(a)(3)(C).)

(o) "Net other assets" means the current market value at the time of application of the other assets included in paragraph (c) of this section minus the outstanding liabilities (indebtedness) against such assets.

(20 U.S.C. 1070a(a)(3)(C).)

§ 190.43 Computation of the expected family contribution from effective income for independent students.

The expected family contribution shall include 100 per centum of the student's effective income for the academic year for which aid is requested; except that, that portion of effective income of the student attributable to the dependents of a veteran shall instead be included as a part of, and treated as, annual adjusted family income.

(20 U.S.C. 1070a(a)(3)(C).)

§ 190.44 The expected family contribution for independent students from annual adjusted family income.

The expected family contribution of the independent student from annual adjusted family income shall be an amount determined in the following manner:

(a) Determine effective family income by subtracting from the annual adjusted family income (including the portion of the effective income of the student attributable to the dependents of a veteran) the amount of Federal income tax paid or payable with respect to such income.

(b) Determine discretionary income by deducting the following from effective family income:

(1) *Family size offset.* A family size offset in the amount specified in the following table. Family size includes the student and his dependents, as defined in section 190.42(f) at the close of the base year. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her exemptions as defined in section 151 of the Internal Revenue Code.

Family size	*Dollar amount*
2	$2,800
3	3,350
4	4,300
5	5,050
6	5,700
7	6,300
8	7,000
9	7,700
10	8,400
11	9,100
12	9,800

An offset of $700 shall be made for the single independent student.

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses, and losses resulting from catastrophes incurred in the base year and not compensated by insurance, exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the independent student and his dependents during the base year.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by either a married independent student or the student's spouse, whoever earns the lesser, or 50 percent of the adjusted gross income during the base year of an independent student qualifying as a surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed $1,500.

(c) Determine the expected family contribution from the family income of the independent student and his or her spouse by applying the following rates to discretionary income:

(1) 75 percent of discretionary income for the single independent student with no dependents;

(2) 50 percent of discretionary income for the married independent student with no dependents other than spouse; and

(3) 40 percent of discretionary income for the independent student who has dependents other than spouse.

(20 U.S.C. 1070a(a)(3)(C).)

§ 190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.

The expected contribution from the assets of the independent student and his or her spouse shall be determined in the following manner:

(a) Determine the total amount of net assets owned by the student and the student's spouse.

(b) If the amount of discretionary income determined in paragraph (b) of § 190.44 is a negative amount, subtract that amount from the amount of net

assets determined in paragraph (a) of that section.

the amount determined in paragraph (a)

(c) The contribution from assets shall be an amount equal to 33 percent of or (b) of this section, whichever is applicable.

§ 190.46 Computation of expected contribution from the other assets of the independent student and his or her spouse.

The expected contribution from the other assets of the independent student and his or her spouse shall be determined in the following manner:

(a) Determine the total amount of net other assets owned by the student and the student's spouse and deduct from that amount an other asset reserve of $7,500.

(b) The contribution from other assets shall be an amount equal to 33 percent of the remainder obtained in paragraph (a) of this section.

§ 190.47 Computation for expected contribution from annual adjusted family income, assets and other assets adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from family income as determined in § 190.44 shall be added to the amount expected from assets as determined in § 190.45 and other assets as determined in § 190.46.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is requested:

Number of family members attending institutions of postsecondary education	*Expected contribution from combined contribution per student*
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her exemptions.

§ 190.48 Computation of the total expected family contribution.

For each grant the total expected family contribution shall be the sum of:

(a) The expected contribution from the student's effective income as determined in § 190.43, and

(b) The expected contribution from discretionary income, assets, and other assets as determined in § 190.47.

APPENDIX

EXPECTED FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS, ACADEMIC YEAR 1974–75

Summary of Calculation

1. Parents' adjusted gross income in 1973		
2. Other parental income in 1973	+	
3. Parents' annual adjusted income in 1973	=	
4. Parents' Federal income tax paid for 1973	−	
5. Effective family income in 1973	=	
6. Family size offset	+	
7. Unusual expenses	+	
8. Employment expense offset	+	
9. Total offsets against income (lines 6+7+8)	−	
10. Discretionary income (line 5 minus line 9)		
11. Determine net assets of parents		
12. If line 10 is a negative amount, subtract from line 11 the amount necessary to bring discretionary income up to zero. Enter the remainder of the net assets		
13. If line 10 is a positive amount, enter that amount. If line 10 is a negative amount enter zero		
14. Determine net other assets of parents		
15. Multiply discretionary income in line 13 by applicable rate to obtain standard contribution		
16. Subtract asset reserve of $7500 from amount entered on line 12 to obtain available parental assets		
17. Multiply available parental assets by 0.05	× 0.05	
18. Parental contribution from assets		
19. Subtract other asset reserve of $7500 from amount entered on line 14 to obtain available other assets of parents		
20. Multiply available other assets of parents by 0.05	× 0.05	
21. Parental contribution from other assets		
22. Add lines 15 plus line 18 plus 21 to obtain standard contribution from income, assets, and other assets		
23. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education		
24. Effective income of student		
25. Determine net assets of student		
26. Multiply student's net assets by 0.33	× 0.33	
27. Student's contribution from assets	=	
28. Total family contribution equals sum of lines 23 plus 24 plus 27	=	

EXPLANATION OF CALCULATION[1]

1. *Parents' adjusted gross income in 1973 (line 1).* All income which is available to the parents should be considered in the evaluation of parental ability to support the cost of postsecondary education. The most valid reference for parental income subject to Federal income tax is the adjusted gross income item in the family's Federal income tax return. This information is readily available to most families, and the information can be verified by referring to the IRS forms actually filed by the parents.

If it may be assumed that family income will be measured on an annual basis, which year of family income shall be used? Parents provide from their current income for the education of their children. However, if we attempted to use current year information, a parent would have to estimate the amount of income which he will receive during a year in which a child is a student since application for aid is made before the student enrolls for a particular year of study. A study by Orwig and Jones shows that income received during the tax year prior to the year in which the student is applying for aid is the best practical indicator of the income from which a student's actual expenses will be paid.[2] If estimates of the income received during the actual year of attendance are provided by parents, middle income families systematically underestimate their earnings, and lower income families systematically overestimate their earnings. The amount to be entered here, therefore, is from the previous year's Federal income tax form.

2. *Other parental income in 1973 (line 2).* Information on other family income must also be collected since this income does clearly contribute to family financial strength and may represent a considerable portion of the parental income of many Basic Grant recipients. Elements of other family income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, welfare benefits, social security benefits (except those included in effective income of the student), child support payments, income of families which didn't file income tax returns, that portion of capital gains on which no Federal income tax is required, etc.

3. *Parents' annual adjusted income in 1973 (line 3).* Parents' annual adjusted income is the sum of parents' adjusted gross income (line 1) plus other family income (line 2).

4. *Parents' Federal income tax paid for 1973 (line 4).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

5. *Effective family income in 1973 (line 5).* The result of subtracting Federal income tax paid (line 4) from the annual adjusted income (line 3) is effective family income and is the base for calculating expected contribution from parental income.

6. *Family size offset (line 6).* In addition to taxes, a family has basic subsistance expenses which must be met before any contribution from income can be expected. These expenses will vary depending on size of the

[1] Reference numbers are keyed to the line numbers in preceeding summary.

[2] Orwig and Jones, "Can Financial Need Analysis Be Simplified?" The American College Testing Program, Iowa City, Iowa, 1970—p. 11.

family involved. For purposes of the basic grant, the "Weighted Average Thresholds At the Low Income Level," developed by the Social Security Administration and published by the Bureau of the Census, have been used as a reasonable approximation of basic family expenses.[3] These expenses are based on the food costs of a family of a given size, and make certain assumptions about the additional expenses of shelter and other family needs.

The data are revised annually, and thus can be used to update the family contribution schedules from year to year. The figures supplied by the Bureau of the Census have been incremented by 4 percent to reflect estimated cost of living increases from the fall of 1971 to the present, and then rounded to facilitate calculation. The resulting figures have been called "Family Size Offsets." Their derivation is illustrated below:

DERIVATION OF FAMILY OFFSETS

Family size	Family size offset
2 Member Family	2800
3 Member Family	3350
4 Member Family	4300
5 Member Family	5050
6 Member Family	5700
7 Member Family	6300
8 Member Family	7000
9 Member Family	7700
10 Member Family	8400
11 Member Family	9100
12 Member Family	9800

*Census Bureau category "7 or more persons" are for 8 member family. Values for family size 7–12 have been extrapolated.

7. *Unusual expenses (line 7).* The Basic Grant program is required by law to take into consideration two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions of medical and dental expenses and casualty loss in determining "unusual expenses" for the Basic Grant program. The use of Internal Revenue Service definitions avoids the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" as used for the Basic Grant legislation.

For purposes of the Basic Grant program, those items which may be included as unusual expenses are:

1. Those medical and dental expenses (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all such medical, dental and drug expenses is to be used in the Basic Grant calculation.

2. Those casualty or theft loss(es) permitted by the Internal Revenue Service (Form 1040, Schedule A, line 30).

The amount of unusual expenses which may be deducted from effective family income (line 5 of this illustration) is that amount of unusual expenses (as defined above) in excess of 20 percent of effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

8. *Employment expense offset (line 8).* In constructing budgets which recognize expenses for families, due provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, and other items are attributable to occupational needs. When both parents work, additional employment expenses are incurred. Also, if a household is headed by a single parent, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two parent family where both parents work, or the single parent household. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grant eligibility is greatest. The offset provides that 50 percent of the earnings of that parent with the lesser earnings, or 50 percent of the earnings of the single parent, will be protected from any contribution toward education. The maximum offset is $1,500 and would thus assure that up to $30 a week would be available for the additional expenses which these parents face.

9. *Total offsets against income (line 9).* The sum of line 6 (family size offset) plus line 7 (unusual expenses) plus line 8 (employment expense offset) is the total amount which can be deducted from effective family income (line 5) in order to determine discretionary parental income.

10. *Discretionary income (line 10).* The income which remains after allowance has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchases of goods and services which enhance the standard of living of the family including the cost of postsecondary education.

11. *Net assets of parents (line 11).*—For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

12. *Asset adjustment in cases of negative discretionary income (line 12).*—In measuring family financial strength both income and assets must be considered. Very low income families may have a strong enough asset position such that a contribution from those assets can be expected. At the same time, the calculation of discretionary income for these families may yield a negative amount due to the low level of income. Therefore, in order to arrive at a family contribution which more equitably treats both the income and the assets of these families, an amount sufficient to offset the negative discretionary income is subtracted from the net assets. The resulting amount of adjusted net assets becomes the base from which the contribution from assets is expected.

13. *Discretionary income (line 13).*—In cases where the discretionary income on line 10 is a negative amount a zero is entered here. Where line 10 is a positive amount, that positive amount is repeated here.

14. *Net other assets of parents (line 14).*—For purposes of basic grants the following types of other assets will be considered: automobiles, boats, art objects, electronic sound and visual equipment, jewelry, antiques, cameras, etc., each of which has a value of $500 or more. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

15. *Standard income contribution rate (line 15).*—A contribution of 20 percent is expected from the first $5,000 of discretionary income. When discretionary income exceeds $5,000, the expected income contribution is $1,000 plus 30 percent of the amount in excess of $5,000. The contribution rates will generally be at the 20 percent level for most of the income range where basic grant eligibility will occur.

These contribution rates appear reasonable in terms of the several demands made on family income especially in light of the fact that the cost of supporting the student for the academic year is included in the cost of education and does not have to be met from the general budget resources.

The illustrative chart below shows the expected family contribution from annual adjusted family income which does not reflect adjustments for Federal income taxes paid, unusual expenses, or employment expense offset.

CONTRIBUTION FROM ANNUAL ADJUSTED FAMILY INCOME FOR DEPENDENT STUDENTS

Annual adjusted* family income	Family Size								
	2	3	4	5	6	7	8	9	10
$3,000	$34	0	0	0	0	0	0	0	0
4,000	216	$117	0	0	0	0	0	0	0
5,000	375	293	$129	0	0	0	0	0	0
6,000	543	453	291	$103	$34	0	0	0	0
7,000	708	625	450	334	235	$127	0	0	0
8,000	870	789	625	502	436	299	$180	$60	0
9,000	1,022	953	791	669	575	469	333	235	$116
10,000	1,303	1,181	959	833	745	642	526	410	292
11,000	1,555	1,432	1,190	1,008	914	812	698	583	467
12,000	1,800	1,684	1,442	1,229	1,122	980	863	735	640
13,000	2,049	1,923	1,693	1,511	1,374	1,221	1,054	925	811
14,000	2,281	2,165	1,930	1,725	1,620	1,457	1,300	1,133	977
15,000	2,515	2,400	2,164	1,939	1,858	1,719	1,543	1,376	1,209
16,000	2,745	2,634	2,393	2,223	2,092	1,947	1,786	1,619	1,452
17,000	2,970	2,861	2,632	2,457	2,325	2,181	2,020	1,860	1,695
18,000	3,190	3,090	2,857	2,683	2,560	2,415	2,254	2,094	1,933
19,000	3,420	3,311	3,082	2,913	2,790	2,649	2,488	2,328	2,167
20,000	3,649	3,535	3,307	3,133	3,015	2,875	2,722	2,562	2,401

*Adjusted gross income plus nontaxable income.

16. *Available parental assets (line 16).*—In order to determine the amount of parental assets which can be assessed for contribution for educational purposes, an asset reserve of $7,500 is subtracted from the net assets of parents. Since families accumulate assets for several purposes including retirement, future consumption, the postsecondary education of their children and the provision of an economic buffer in the event of catas-

[3] From "Weighted Average Thresholds At the Low Income Level" in 1971 by size of family and sex of head, by farm-nonfarm residence; current population reports, consumer income, characteristics of the low-income population; 1971 series p. 60, No. 82, July 1972.

trophe, some portion of assets should be reserved from any contribution toward postsecondary education, and remaining assets be assessed at some rate less than 100 percent. After a review of the available data, it was decided that $7,500 was an adequate asset reserve since it appears that average home equity for the families of the majority of basic grant recipients may be in approximately this amount, if data from the Department of the Census are read in conjunction with the Survey of Economic Opportunity. In addition, the $7,500 amount would allow for emergencies and retirement needs.

17. *Asset assessment rate (line 17).*—Once the available parental assets have been determined, a contribution rate of 5 percent will be assessed on the parents' net worth in excess of $7,500. Because the value of assets grows, this rate of asset assessment will generally leave the family's asset position largely unimpaired.

18. *Parental contribution from assets (line 18).*—The result of multiplying the available parental assets (line 16) by the assets assessment rate (line 17) is the expected parental contribution from assets.

19. *Available other parental assets (line 19).*—In order to determine the amount of other parental assets which can be assessed for contribution for educational purpoes, an other asset reserve of $7,500 is subtracted from the net other assets of parents (line 14).

20. *Other asset assessment rate (line 20).*—Once the available other parental assets have been determined, a contribution rate of 5 percent will be assessed on the parents' net worth in excess of $7,500.

21. *Parental contribution from other assets (line 21).*—The result of multiplying the available other parental assets (line 19) by the other assets assessment rate (line 20) is the expected parental contribution from other assets.

22. *Standard parental contribution from income, assets, and other assets (line 22).*—The standard parental contribution (contribution before multiple student adjustment) from income, assets, and other assets is determined by adding the contribution from income (line 15), the contribution from assets (line 18), and the contribution from other assets (line 21).

23. *Multiple student adjustment (line 23).*—Adding the Parental Income Contribution to the parental asset contribution and the other parental asset contribution results in the expected contribution from parents with one family member in postsecondary education. Some adjustment must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1974–75.

Since each student has an allowance for costs of attendance, the family's discretionary income is effectively increased when there is more than one family member in postsecondary education. In order to determine the appropriate percentages, the contributions expected from different family sizes were compared. These investigations indicated that 140 percent of the contribution for one child would be a reasonable assessment against the family with two students. Thus, each student would receive 70 percent of the contribution which the family would make if there were only one student in the family. Similarly, 150 percent of the single student contribution seemed adequate for the family with three children in postsecondary education; each student could expect 50 percent of the single student contribution. For families with four or more students, each family will be assessed 40 percent of the single student contribution for each child in postsecondary education.

The following table summarizes the treatment of families with different numbers of family members in postsecondary education:

Number of students	Contribution per student as a percent of standard contribution	Family contribution for all students as a percent of standard contribution
	Percent	*Percent*
1	100	100
2	70	140
3	50	150
4 or more	40	160+

24. *Effective income of the student (line 24).*—For purpose of the Basic Grants program effective income of the student is: That amount of social security benefits paid to or on behalf of a student because he is a student; and one-half of that amount of veteran's readjustment benefits and/or war orphan's benefits (exclusive of dependency allowances) paid to or on behalf of a student because he is a student. In both cases the amount is the total to be received during the academic year for which Basic Grant assistance is requested. Veteran's dependency allowance are clearly not for the support of the Veteran himself. Therefore they are included with and given the same treatment as "other family income".

25. *Net assets of the student (line 25).*—The applicant's net assets would be defined in the same fashion as the assets of the parents. Debts against these assets would be deducted. Trust funds in the student's name would be included.

26. *Student asset assessment rate (line 26).*—In determining a fair treatment of student assets the theory of the major need analysis systems has been followed; i.e., that because the student himself is the direct beneficiary of postsecondary education, he should be expected to invest a greater portion of his resources in meeting his educational costs than should be expected from his parents.

Usual financial aid procedures divide a student's assets by the number of years remaining for a 4-year program of postsecondary education. The result of this division is considered to be the student's asset contribution.

For the Basic Grants program, a different treatment of student assets is employed. One-third of the student's assets (recalculated each year) would be expected. This method is simple, provides a modest reserve for the student, and avoids the assumption that all students are enrolled in a traditional 4-year program.

27. *Student's contribution from assets (line 27).*—The result of multiplying the student's net assets (line 25) by the student asset assessment rate (line 26) is that amount expected from student assets for educational purposes.

28. *Total family contribution (line 28).*—The total expected family contribution for a dependent student is determined by adding line 23 plus line 24 plus line 27.

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS, ACADEMIC YEAR 1974–75

Summary of Calculations

1. Effective income of student ____
2. Adjusted gross income of applicant (and spouse) ____
3. Other family income ____ +
4. Annual adjusted family income of applicant (and spouse) (line 2+line 3) ____ =
5. Federal income tax paid ____ −
6. Effective family income ____ =
7. Family size offset ____ +
8. Unusual expenses ____ +
9. Employment expense offset ____ +
10. Total offsets against income (lines 7+8+9) ____ = ____ −
11. Discretionary income (line 6 minus line 10) ____ =
12. Determine net assets of applicant (and spouse) ____
13. If line 11 is a negative amount, subtract from line 12 the amount necessary to bring discretionary income to zero. Enter the amount of the remainder of net assets ____
14. If line 11 is a positive amount, enter that amount. If line 11 is a negative amount, enter zero ____
15. Determine net other assets of applicant (and spouse) ____
16. Multiply discretionary income on line 14 by applicable rate to obtain standard contribution ____
17. Multiply amount of assets of applicant (and spouse) entered on line 13 by 0.33 ____ × 0.33
18. Contribution from assets ____
19. Subtract other asset reserve of $7500 from amount entered on line 15 to obtain available other assets of applicant (and spouse) ____
20. Multiply available other assets by 0.33 ____ × 0.33
21. Contribution from other assets ____
22. Add lines 16 plus 18 plus 21 to obtain standard contribution from income, assets, and other assets ____
23. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education ____
24. Total family contribution equals sum of lines 1 plus 23 ____

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS ACADEMIC YEAR 1974–75

Explanation of calculations.[1] For the purposes of the Basic Grants program, independent (self-supporting) student status may be claimed if the applicant:

(1) Has not been and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(2) Has not received and will not receive financial assistance of more than $600 (in cash or kind) from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(3) Has not lived or will not live for more than two consecutive weeks in the home of a prent during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

Once a student has been determined to meet these criteria and is defined as an independent student, his expected family contribution is calculated according to the process outlined below.

[1] Reference numbers are keyed to line items of preceding summary.

1. *Effective income of student (line 1).* For purposes of the Basic Grants program. Effective income of the student is: That amount of social security benefits paid to or on behalf of the student because he is a student; and, one-half of the amount of veteran's readjustment benefits and/or war orphan's benefits (exclusive of dependency allowances) paid to or on behalf of a student because he is a student. In both cases, the amount is the total to be received during the academic year for which Basic Grant assistance is requested. Dependency allowances are clearly not for the support of the Veteran himself. Therefore they are included with, and given the same treatment as, "other family income".

2. *Adjusted gross income of applicant (and spouse) (line 2).* All income which is available to the applicant (and spouse) should be considered in the evaluation of ability to support the cost of postsecondary education. The most valid reference for taxable income is the adjusted gross income item in the Federal income tax return. This information is readily available and can be verified by referring to the IRS forms actually filed.

The decision as to which year's income is to be considered is a difficult one for independent students. Traditionally, a student's income may vary considerably from year to year. While it may be preferable to ask the student to estimate his earnings for the current year, obtaining realistic projections of earnings would not be possible without establishing counseling centers where students could be assisted in preparing this information.

Because this is not feasible at this time, it has been determined that the adjusted gross income to be considered is that amount entered on the previous year's Federal income tax form.

This also has the advantage of being consistent with the data collected for dependent students and assures that the family contribution of all students is determined from the same base.

3. *Other income of the independent student (line 3).* Information on other income of the independent student must also be collected since this income does clearly contribute to financial strength and may represent a considerable portion of the income of many Basic Grant recipients. Elements of other income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, that portion of capital gains on which no Federal income tax is required, welfare benefits, social security retirement, child support payments, veteran's disability, income of persons who did not file income tax returns, etc.

4. *Annual adjusted family income of applicant (and spouse) (line 4).*—Annual adjusted family income is the sum of adjusted gross income (line 2), and other family income (line 3).

5. *Federal income tax paid by applicant (and spouse) (line 5).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

6. *Effective family income (line 6).* The result of subtracting Federal income tax paid (line 5) from the annual adjusted family income (line 4) is effective family income.

7. *Family size offset (line 7).* In addition to taxes, there are basic subsistence expenses which must be met before any contribution from income can be expected. These expenses will vary depending on the size of the family involved. For the single independent student, this offset is $700 which covers the student's summer living expenses. Using the same base for deriving family size offsets as is used for multiple member families (weighted average thresholds at the low-income level) and adjusting for an estimated 4 percent inflation, the family size offset for a single member family is $2,114 per year. Generally, a student is in school for approximately 65 percent of the year (two 16-week semesters plus a 2-week break between semesters). Since his expenses during this 34-week academic year are covered in his cost of attendance, the $700 offset provides for his expenses during that period of time when he is not in school.

For married independent students and those with additional dependents, the family size offset is the same as that for the parent's of dependent students:

Family size	*Family size offset*
2	$2,800
3	3,350
4	4,300
5	5,050
6	5,700
7	6,300
8	7,000
9	7,700
10	8,400

8. *Unusual expenses (line 8).*—The Basic Grants program is required by law to take into consideration at least two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions for medical and dental expenses and casualty loss(es) to constitute "unusual expenses" for the Basic Grants program. The use of Internal Revenue Service definitions avoids the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" for Basic Grants.

For purposes of the Basic Grants program those items which may be included as unusual expenses are:

1. Those medical and dental expenses incurred during the base year (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all medical, dental and drug expenses may be listed.

2. In addition, those casualty or theft loss(es) incurred during the base year permitted by the Internal Revenue Service (Form 1040, Schedule A, line 30).

The amount of unusual expenses which may be deducted is that amount of unusual expenses (as defined above) in excess of 20 percent of the effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

9. *Employment expense offset (line 9).* In constructing budgets which recognize minimum expenses for families, provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, food, and other items are attributable to occupational needs. When two persons work, additional employment expenses are incurred Also, if a household is headed by a single person, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore, in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two-person family where both persons work during the base year, or the single person who heads a household during the base year. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grants eligibility is greatest. The offset provides that 50 percent of the earnings of that person with the lesser earnings, or 50 percent of the earnings of the single head of household, will be protected from any contribution toward education. The maximum offset would be $1,500 and would thus assure that up to $30 a week would be available for the additional expenses which these persons face.

10. *Total offsets from income (line 10).* The sum of line 7 (family size offset) plus line 8 (unusual expenses) plus line 9 (employment expense offset) is the total amount which can be deducted from effective family income (line 6) in order to determine discretionary income.

11. *Discretionary income (line 11).* The income which remains after adjustment has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchase of goods and services which enhance the standard of living of the family, including postsecondary education.

12. *Net assets of applicant (and spouse) (line 12).* For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

13. *Asset adjustment in cases of negative discretionary income (line 13).*—In measuring family financial strength both income and assets must be considered. Very low income families may have a strong enough asset position such that a contribution from those assets can be expected. At the same time, the calculation of discretionary income for those families may yield a negative amount due to the low level of income. Therefore, in order to arrive at a family contribution which more equitably treats both the income and the assets of these families, an amount sufficient to offset the negative discretionary income is subtracted from the net assets. The resultant amount of adjusted net assets becomes the base from which the contribution from assets is expected.

14. *Discretionary income (line 14).*—In cases where the discretionary income on line 11 is a negative amount a zero is entered here. Where line 11 is a positive amount, that positive amount is repeated here.

15. *Net other assets of applicant (and spouse) (line 15).*—For purposes of Basic Grants, the following types of other assets will be considered: automobiles, boats, art, objects, electronic sound and visual equipment, jewelry, antiques, cameras, etc., each of which has a value of $500 or more. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

16. *Standard income contribution rate (line 16).*—Because of the direct benefits of postsecondary education received by the independent student, the expected contribution rate for such students from income has traditionally been much greater than the rate applied to the discretionary income of the parents of dependent students. In fact, the independent student has usually been expected to use all of his discretionary income for educational purposes.

In developing a system for the Basic Grants program, it was felt that a 100 percent contribution rate was excessive, espe-

cially for independent students with family responsibilities.

The following income contribution schedule was developed to accommodate these responsibilities:

(a) 75 percent of discretionary income for the single independent student with no dependents.

(b) 50 percent of discretionary income for the married independent student with no dependents other than spouse.

(c) 40 percent of discretionary income for independent students who have dependents other than spouse.

The amount of expected contribution from annual adjusted family income is shown in the illustrative charts at the end of this paper. Annual adjusted family income does not reflect the adjustments for Federal income taxes paid, unusual expenses, or employment expense offset.

17. *Asset contribution rate (line 17).*—In determining a fair treatment of student assets, it has been assumed that since a student is the direct beneficiary of postsecondary education, he should be expected to invest a greater portion of his resources in meeting his educational costs than would be expected from his parents.

Existing financial aid procedures divide a student's assets by the number of years remaining in a 4-year program of postsecondary education. The result of this division is considered to be the student asset contribution.

For the Basic Grants program, a different treatment of student assets is employed. One-third of the student's assets (recalculated each year) would be expected. This method is simple, provides a modest reserve for the student, and avoids the assumption that a student is enrolled in a traditional 4-year program.

18. *Contribution from assets (line 18).*—The result of multiplying the student's net assets (line 13) by the student asset assessment rate (line 17) is that amount expected from student assets for educational purposes.

19. *Available other assets of applicant (and spouse) (line 19).*—In order to determine the amount of other assets which can be assessed for contribution for educational purposes, an other asset reserve of $7500 is subtracted from the net other assets (line 15).

20. *Other asset contribution rate (line 20).*—A contribution rate of 33 percent (recalculated each year) is expected from other assets.

21. *Contribution from other assets (line 21).*—The result of multiplying the student's net other assets (line 15) by the student's other asset assessment rate (line 20) is that amount expected from students' other assets for educational purposes.

22. *Standard contribution from income, assets, and other assets (line 22).*—The standard contribution (contribution before multiple student adjustment) from income, assets, and other assets is determined by adding the contribution from income (line 16), the contribution from assets (line 18) and the contribution from other assets (line 21).

23. *Multiple student adjustment (line 23).*—Adding the Income Contribution from annual adjusted family income to the asset contribution and the other asset contribution results in the expected contribution for one family member in postsecondary education from family income and assets. Some adjustment must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1974–75.

Since each student has an allowance for costs of attendance, the family's discretionary income is effectively increased when there is more than one family member in postsecondary education. In order to determine the appropriate percentages, the contributions expected from different family sizes were compared. These investigations indicated that 140 percent of the contribution for one child would be a reasonable assessment against the family with two students. Thus, each student would receive 70 percent of the contribution which the family would make if there were only one student in the family. Similarly, 150 percent of the single student contribution seemed adequate for the family with three children in postsecondary education; each student could expect 50 percent of the single student contribution. For families with four or more students, each family will be assessed 40 percent of the single student contribution for each child in postsecondary education.

The following table summarizes the treatment of families with different numbers of family members in postsecondary education:

Number of students	Contribution per student as a percent of standard contribution	Family contribution for all students as a percent of standard contribution
	Percent	*Percent*
1	100	100
2	70	140
3	50	150
4 or more	40	160+

24. *Total family contribution (line 24).*—The total expected family contribution for an independent student is determined by adding line 1 plus line 23.

CONTRIBUTION FROM ANNUAL ADJUSTED INCOME FOR INDEPENDENT STUDENTS—NO DEPENDENTS

Annual adjusted family income[1]	
$1,000	226
$2,000	975
$3,000	1,625
$4,000	2,263
$5,000	2,894
$6,000	3,516
$7,000	4,126
$8,000	4,732
$9,000	5,347
$10,000	5,976
$11,000	6,591
$12,000	7,201
$13,000	7,811
$14,000	8,404
$15,000	8,983
$16,000	9,546
$17,000	10,108
$18,000	10,671
$19,000	11,236
$20,000	11,768

[1] Adjusted gross income plus nontaxable income.

MARRIED INDEPENDENT STUDENTS WITH NO OTHER DEPENDENTS (OTHER THAN SPOUSE)—CONTRIBUTION FROM INCOME

Annual adjusted family income[1]	
Less than:	
$ 1,000	0
$ 2,000	0
$ 3,000	86
$ 4,000	515
$ 5,000	939
$ 6,000	1,358
$ 7,000	1,771
$ 8,000	2,176
$ 9,000	2,586
$10,000	3,005
$11,000	3,424
$12,000	3,833
$13,000	4,240
$14,000	4,635
$15,000	5,025
$16,000	5,408
$17,000	5,783
$18,000	6,158
$19,000	6,533
$20,000	6,900

[1] Adjusted gross income plus non-taxable income.

INDEPENDENT STUDENTS WITH DEPENDENTS INCOME CONTRIBUTION TABLE

Annual adjusted family income[1]	Family size										
	2	3	4	5	6	7	8	9	10	11	12
Less than:											
$3,000	$69	0	0	0	0	0	0	0	0	0	0
4,000	412	$235	0	0	0	0	0	0	0	0	0
5,000	751	577	$241	0	0	0	0	0	0	0	0
6,000	1,086	915	582	$327	$129	0	0	0	0	0	0
7,000	1,417	1,249	919	667	472	$255	0	0	0	0	0
8,000	1,741	1,578	1,252	1,003	811	597	$361	$120	0	0	0
9,000	2,069	1,906	1,583	1,339	1,150	938	705	470	$232	0	0
10,000	2,404	2,241	1,918	1,675	1,492	1,283	1,052	819	584	$340	$80
11,000	2,739	2,576	2,253	2,010	1,827	1,624	1,396	1,169	933	698	469
12,000	3,066	2,912	2,589	2,346	2,163	1,960	1,737	1,509	1,270	1,047	812
13,000	3,392	3,238	2,924	2,681	2,498	2,295	2,072	1,849	1,623	1,393	1,161
14,000	3,703	3,554	3,240	3,006	2,826	2,623	2,400	2,177	1,954	1,729	1,500
15,000	4,020	3,866	3,552	3,318	3,144	2,947	2,724	2,501	2,278	2,055	1,832
16,000	4,326	4,178	3,864	3,630	3,456	3,262	3,048	2,825	2,602	2,379	2,156
17,000	4,626	4,481	4,176	3,942	3,768	3,574	3,360	3,146	2,926	2,703	2,480
18,000	4,926	4,781	4,476	4,251	4,080	3,886	3,672	3,458	3,244	3,027	2,804
19,000	5,226	5,081	4,776	4,551	4,386	4,193	3,984	3,770	3,556	3,342	3,128
20,000	5,520	5,381	5,076	4,851	4,686	4,501	4,296	4,082	3,863	3,654	3,419

[1] Adjusted gross income plus nontaxable income.

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